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and on behalf of all others similarly situated*

6 **UNITED STATES DISTRICT COURT**
7 **NORTHERN DISTRICT OF CALIFORNIA**

8 KELLY PINN, an individual, on her own
9 behalf and on behalf of all others similarly
situated,

10 Plaintiffs,

11 v.

12 CONSUMER CREDIT COUNSELING
13 FOUNDATION, INC., NATIONAL
14 BUDGET PLANNERS OF SOUTH
15 FLORIDA, INC., Florida corporations, and
16 ISHWINDER JUDGE, an individual, and
DOES 1-10, inclusive,

17 Defendants.

18 **REDACTED EXCERPT OF**
VIDEOCONFERENCE DEPOSITION OF
PORUS ENGINEER

19 No. 4:22-cv-04048-DMR

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KELLY PINN, an Individual, on
her Own Behalf and on Behalf of
Others Similarly Situated,

Plaintiff,

v.

Claim No.

CONSUMER CREDIT CONSULTING
FOUNDATION INC., NATIONAL BUDGET
PLANNERS OF SOUTH FLORIDA, INC.,
Florida Corporations, and
ISHWINDER JUDGE, an Individual,
and DOES 1-10, Inclusive,

Defendants.

VIDEOCONFERENCE DEPOSITION OF PORUS ENGINEER

DATE: Friday, July 12, 2024

TIME: 10:17 a.m.

LOCATION: Remote Proceeding

350 Sonic Avenue

Livermore, CA 94

Fernando Padilla

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<p>1 we could do for this client, and that is based upon a 2 predetermined numbers that we have with the creditors, 3 because creditors work with us. We are partners. 4 They're partners with nonprofit credit counseling 5 agencies like us.</p> <p>6 So give you an example, like, with Chase, just 7 as an example, if the client has a Chase account, and 8 they are paying 23 percent on their credit card, by 9 being on the debt-management program, Chase would lower 10 that to around 6 percent, depending on a tier, again, 11 based on their financial analysis that we do, as to what 12 kind of a drop in interest rates the creditor will offer 13 this client.</p> <p>14 So we do -- we take in each creditor, and 15 based on each creditor, we tell the client, "Okay. 16 Based on this, you will be able to save this much money, 17 because it looks like you are -- from the budget 18 picture, that you are negative X amount." So first, 19 we'll recommend them to cut expenses to make sure that 20 the budget comes in line so that they can make the 21 credit card payments.</p> <p>22 So a lot of stock goes into what expenses the 23 client should be cutting. And the first things we look 24 at is discretionary, because fixed and variable is 25 second and the third. So we look at the discretionary,</p>	<p>1 And then after the payments, what we 2 continuously do with this client is engage with them on 3 the educational component of it, which is why did the 4 client in the first place get into debt? What were the 5 root causes of it? And then our counselors will, on a 6 monthly basis, reach out to these clients and do a lot 7 of education.</p> <p>8 We do -- we have a outreach component of our 9 business where, in our local neighbor -- local 10 community, people will refer clients over to us. 11 Mortgage people who, their clients will buy a house and 12 they cannot afford it because they have credit card 13 debt, they have to first pay down that debt.</p> <p>14 So those clients get referred to us. 15 Creditors would refer clients to us because they cannot 16 do this holistic counseling that we do and to help the 17 client. So if a client calls a creditor to -- since 18 they're not able to make the payment, the creditor will 19 actually tell them to reach out to a certified credit 20 counseling agency like us.</p> <p>21 And then we would then counsel this client, go 22 through this entire budget sheet, and all of this 23 information be submitted to the creditor. So the 24 creditor evaluates it based on our credit counselor's 25 budget sheet and how we have come up with this financial</p>
<p>Page 14</p> <p>1 where they're spending. Are they spending too much? 2 Are their habits, spending habits, out of ratios? 3 And then based on that, we, we come up with, 4 if their credit card payment is affordable, we will then 5 tell them that, "Hey, by being on the debt-management 6 program, you can afford to pay this much amount." 7 And then every single month, then we go into 8 the payments aspect on how the program will work, where 9 every month the client makes that payment to us. So 10 let's say that the client has Chase, Bank of America, 11 and Citi, and they will make one payment, and that one 12 payment will come into our trust account. 13 And then we will take that payment and 14 disperse that payment out to all -- all the three 15 creditors, which is Chase, Citi, and Bank of America. 16 And then every single month, that continues. These 17 programs are based on a 60-month term, so the client has 18 to pay the entire debt off in 60 months. It's a 19 creditor guideline. 20 And so that starts depending on when the 21 client wishes to start, when their due dates are. So we 22 will take all that information, and then it goes into 23 the payments aspect. So talked about the counseling 24 aspect. From the counseling aspect, then it goes into 25 the payments.</p>	<p>Page 16</p> <p>1 picture for them, and why is it that this client 2 qualifies for this program. 3 In some cases, the client -- so we -- so the 4 counseling aspect is part of the operations. So the 5 payments component is part of the operations, and yeah. 6 So all of that is what operations is. And I help out 7 with the day-to-day operations. They have managers 8 under us. We have a small team, and that's what 9 operations is.</p> <p>10 Q Okay. I have some follow up questions, but I 11 think I want to focus on you right now. When you say 12 you run operations, and I hear that there's, you know, a 13 counseling bucket, a payment bucket, and an education 14 bucket. What is your personal involvement in 15 counseling?</p> <p>16 A I oversee all aspects of that. I mean all the 17 three buckets. There are individual managers that are 18 responsible for the individual, but overall, it -- I'm 19 responsible for the day-to-day daily operations. All 20 the issues would come to me.</p> <p>21 Q So other than things that are escalated to you 22 by the managers, what do you do with respect to 23 counseling?</p> <p>24 A Like, actually do the counseling? I did not 25 understand the question.</p>

Page 15

Page 17

5 (Pages 14 - 17)

1 Q Well, I don't know that you would actually do
 2 the counseling, but I guess I'm trying to understand
 3 what it is you do, beyond handling matters that are
 4 escalated to you by the managers.

5 A Sure. So you asked about the operations, but
 6 that's essentially the operations. But now, in terms of
 7 my role, we are a ISO 9001 certified organization. We
 8 have to be. It's part of a requirement, and what has to
 9 happen is we have these policies and procedures, and
 10 then we have annual audits.

11 It's a third-party, independent audit
 12 that -- that happens. And throughout the year, we kind
 13 of take every aspect of our organization and we have to
 14 audit it. So that's a big part of my role. And all of
 15 those components entail those buckets that I mentioned.
 16 So you kind of audit those counseling.

17 You are kind of auditing the payments. You're
 18 kind of auditing -- overseeing the outreach counseling.
 19 You're kind of -- I'm responsible for making sure that
 20 all of that is included into the internal audits that we
 21 do for ISO.

22 Q Okay. I want to make sure I got that right.
 23 The ISO 9001?

24 A That is correct.

25 Q Certification?

Page 18

1 So we have our -- the way the clients come
 2 in -- so most of our people, most of our clients, you
 3 know, would find us either through a referral or either
 4 through our website, so I manage that as well.

5 Q Okay. So you manage referrals, the referral
 6 network as well?

7 A Yes.

8 Q Does that include telemarketing?

9 A "Telemark"? What is telemarketing?

10 Q People making calls.

11 A We don't do that. We do not do any of that.

12 Q All right. Do you hire telemarketers?

13 A No, we do not.

14 Q So no one makes calls for CCCF?

15 A So our referral partners, they would be doing
 16 the marketing or whatever they do, and they refer
 17 clients to us.

18 Q Do any of those referral partners make
 19 telephone calls to prospective customers?

20 A I would think so.

21 Q Okay.

22 MR. WIENER: Mr. Engineer, do not
 23 speculate. If you don't know for sure, don't venture a
 24 guess unless you're asked to do so.

25 THE WITNESS: Okay.

Page 20

1 A Yes, sir.

2 Q Okay. And who is the auditor?

3 A It's B-S-I.

4 Q B-S-I. What does that stand for?

5 A British Standards International. It's
 6 actually said as "International Standards," but it's
 7 British Standards -- British Standards International, I
 8 think. So they are the organization that actually
 9 certifies organizations for ISO.

10 Q And so BSI actually, I guess, comes to CCCF
 11 and audits CCCF's operations?

12 A That is correct.

13 Q Okay. So beyond handling escalated matters
 14 and the ISO certification, what else do you spend your
 15 time doing while working at CCCF?

16 A What else do I do other than operations, ISO,
 17 day-to-day escalations? We also have to monitor -- we
 18 are part of -- again, but that also comes under the ISO
 19 umbrella and what I have to do for auditing. There are
 20 certain metrics that we have to do for ISO.

21 So we are kind of overseeing, or I'm
 22 overseeing some metrics on, you know, calls, and how
 23 many calls we got, and are the calls being answered.
 24 Although, what else am I missing? Well, I also set up
 25 our referral partnerships.

Page 19

1 BY MR. PRESTON:

2 Q Who do you report to?

3 A I report to the board.

4 Q And who's on the board?

5 A There is a president, and there are three
 6 other gentlemen. But mostly --

7 Q Can you name who's the --

8 A Ishwinder Judge.

9 Q Okay. Who reports to you?

10 A So I mentioned about those three buckets. So
 11 whoever -- we have a person who manages our ISO, which
 12 is a quality manager. We have a counseling team, a
 13 payments team. They all report to me.

14 Q Okay. Who's in charge of the counseling team?

15 A Reggie -- Reginald Sternberg.

16 Q Okay. Who's in charge of payments?

17 A It's -- it's all comes under Reginald.

18 He -- he kind of oversees payments as well. Then we
 19 have the quality -- sorry?

20 Q Okay. Yeah. You're answering what I was
 21 going to ask.

22 A I'm sorry?

23 Q The quality manager.

24 A Yeah. That one is -- is Jaime Wong

25 Q When a customer does not qualify for a

Page 21

6 (Pages 18 - 21)

1 Q Okay. I'd like to see if you can share your
2 screen, in case we need to do that.
3 A You want me to click on it?
4 Q Yep, I do.
5 A Can you see it?
6 Q No. I'm going to put in a URL into the chat.
7 Hopefully everybody can see the chat. There is a drive
8 there. I want to make sure everybody can access those
9 exhibits.
10 A It went, took me to a screen, and system audio
11 recording, privacy, and security. Did you say I have to
12 go into the chat?
13 Q Yeah. Do me a favor and go into the chat. I
14 put a link there. I also sent it to Mr. Wiener.
15 MR. WIENER: Are you able to send link
16 via email? I just, I was logging on via --
17 MR. PRESTON: I did.
18 MR. WIENER: All right.
19 MR. PRESTON: I did.
20 MR. WIENER: Great. Thank you.
21 MR. PRESTON: I don't want to email your
22 client, but the idea is that he would download exhibits
23 from that Google Drive.
24 MR. WIENER: All right. You have Porus's
25 email address already, I believe.

Page 26

1 MR. PRESTON: Okay.
2 MR. WIENER: And just so you know, I
3 don't know if you have a setting on it, but I'm not able
4 to download the document.
5 THE WITNESS: I could not -- I could not
6 do it either. I just clicked on the chat link.
7 MR. PRESTON: Try now. Can we go off the
8 record? I want to make sure we iron this stuff out.
9 THE OFFICER: Sure. We are now off the
10 record at 10:56 a.m.
11 (Off the record.)
12 THE OFFICER: We are now back on the
13 record at 11:01 a.m.
14 BY MR. PRESTON:
15 Q All right. So if you can look, this is
16 Exhibit 1, we're going to call it. If you can look at
17 page three, the last paragraph on that page, "Plaintiff
18 has granted leave to take a Federal Rule of Civil
19 Procedure 30(b)(6) deposition of the CCCF defendants
20 regarding their document and information systems, their
21 search and production for responsive documents, and
22 information and discovery, and whether spoliation of
23 evidence has occurred."
24 (Exhibit 1 was marked for
25 identification.)

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1 MR. PRESTON: Probably, somewhere. If
2 you give me permission to send the email, I will do
3 that.
4 MR. WIENER: Sure. I can send him the
5 same link you just sent to me if it's --
6 MR. PRESTON: Okay. I'd prefer that.
7 MR. WIENER: Okay. All right. Porus, I
8 just sent it to you, if you can confirm you got it.
9 It's a Google Drive link.
10 THE WITNESS: I think I am clicking on
11 the --
12 MR. WIENER: And it looks like it's only
13 one document. The Exhibit 1 is --
14 MR. PRESTON: Yeah, I'm going to add more
15 stuff as we go. I just don't know what order I'm going
16 to go in.
17 MR. WIENER: All right. Porus, you
18 already have it. Exhibit 1 is -- I'm not sure you have
19 it on your computer, but it's the "Order on Joint
20 Discovery Letter," document number 114.
21 THE WITNESS: The one I clicked from
22 the -- yeah, it's the joint discovery. Yes, I have it.
23 MR. PRESTON: Okay. Good. And so you're
24 able to access the drive, and I can upload more stuff?
25 THE WITNESS: Yes.

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1 A Where? Which one? I'm -- I -- which page are
2 you on?
3 Q Page 3, Line 15.
4 A Page 3. Okay. Go ahead.
5 Q So have you seen this document before?
6 A Yes.
7 Q Okay. Do you understand what the order says?
8 A This is Line 15. You want me to read it?
9 Q No, I don't. I don't think you -- I read it.
10 I don't think you need to read it. I just, I wanted to
11 ask you if you understand what it means.
12 A Hold on. Let me read. Okay. Yes.
13 Q So you understand that you were designated to
14 testify on behalf of Consumer Credit Counseling
15 Foundation, National Budget Planners, and Tony Judge;
16 correct?
17 A Correct.
18 Q Okay. And you are the director for CCCF;
19 correct?
20 A Correct.
21 Q Okay. What is your relationship with National
22 Budget Planners?
23 A No relationship.
24 Q Did you ever have a relationship?
25 A Yes.

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8 (Pages 26 - 29)

<p>1 Q What was that relationship?</p> <p>2 A I -- I used to be employed with National</p> <p>3 Budget Planners.</p> <p>4 Q Who was the president of National Budget</p> <p>5 Planners?</p> <p>6 A Boy. At that time, I believe the name Sanjeev</p> <p>7 Kanwar.</p> <p>8 Q Okay. What's your relationship with Tony</p> <p>9 Judge?</p> <p>10 A My relationship?</p> <p>11 Q Yes.</p> <p>12 A I have no relationship. I'm an employee.</p> <p>13 Q So he's your employer?</p> <p>14 A Yes.</p> <p>15 MR. WIENER: Hold on. Mr. Engineer, I</p> <p>16 just want you to verify that you understand that</p> <p>17 question correctly.</p> <p>18 THE WITNESS: If he -- I -- I -- can you</p> <p>19 repeat that?</p> <p>20 BY MR. PRESTON:</p> <p>21 Q Mr. Judge is your employer?</p> <p>22 A Consumer Credit Counseling Foundation is my</p> <p>23 employer.</p> <p>24 Q What was the relationship between CCCF and</p> <p>25 National Budget Planners?</p>	<p>1 Q What did you do? What did CCCF do to collect</p> <p>2 documents for this case in May 2023? Generally, what</p> <p>3 had it done?</p> <p>4 A What did we do in May of 2023? I</p> <p>5 would -- that's --</p> <p>6 Q Well let me clarify. Let's back up. What had</p> <p>7 CCCF done by May 2023, so up through May 2023?</p> <p>8 A Boy. So what we did in 2022, and what we did</p> <p>9 in 2023?</p> <p>10 Q Yeah.</p> <p>11 A Wow. I wish my memory was that good, but I</p> <p>12 will try. I quite can -- I don't know what specifically</p> <p>13 we did in 2022 and 2023, but I know that we are a small,</p> <p>14 nonprofit organization, so we did our best</p> <p>15 to -- whatever the request was that came in, we did our</p> <p>16 best to fulfill those requests.</p> <p>17 Q Can you do me a favor? I just want to get a</p> <p>18 sense of the room that you're in. Can you pick up your</p> <p>19 laptop, hold it out from you, and then just, kind of,</p> <p>20 take a spin around so I can kind of see the size of the</p> <p>21 room that you're in? Okay. About how many square feet</p> <p>22 would you estimate is the office that you're in now?</p> <p>23 A I would have no idea. This office?</p> <p>24 Q Let me reframe that. Yeah. How many</p> <p>25 employees does CCCF have?</p>
<p>Page 30</p> <p>1 MR. WIENER: Objection. Vague as to</p> <p>2 time.</p> <p>3 A Sorry?</p> <p>4 Q What was the relationship between CCCF and</p> <p>5 National Budget Planners in 2022 and 2023?</p> <p>6 A No relationship.</p> <p>7 Q So you -- all right. This is an opportunity.</p> <p>8 This is a case where there's been a lot of effort to get</p> <p>9 documents from CCCF and, I guess, National Budget</p> <p>10 Planners, and I want to, sort of, understand your</p> <p>11 position on these matters. And there's been a number of</p> <p>12 productions in this case.</p> <p>13 But let's kind of go back. I think it's a</p> <p>14 good place to start in May 2023. What did you guys do</p> <p>15 to collect documents?</p> <p>16 MR. WIENER: Objection. Overbroad.</p> <p>17 BY MR. PRESTON:</p> <p>18 Q Mr. Engineer, are you reading something?</p> <p>19 A No.</p> <p>20 Q Can I ask what you're looking at?</p> <p>21 A I'm looking at you, on your -- on your</p> <p>22 picture.</p> <p>23 Q Okay. Did you hear my question?</p> <p>24 A I -- I did not even understand. You said</p> <p>25 what? What was the question?</p>	<p>Page 32</p> <p>1 A Nine.</p> <p>2 Q Do do you have a sense of approximately what</p> <p>3 its budget is? Like, what is its income?</p> <p>4 A I wouldn't just know something like this</p> <p>5 off -- offhand. I mean, I would have to look at some</p> <p>6 documents to answer that question.</p> <p>7 Q Okay. Do you recall where CCF had searched by</p> <p>8 May 2023?</p> <p>9 A I believe we searched -- the request was</p> <p>10 for -- to search for our emails, so we did that, and we</p> <p>11 submitted all our search results of what -- what we</p> <p>12 found.</p> <p>13 Q Okay. So you guys had searched your emails.</p> <p>14 Do you recall who told you it was -- you were supposed</p> <p>15 to search your emails?</p> <p>16 A Who told us?</p> <p>17 Q Uh-huh.</p> <p>18 A Well, I think it was -- I -- we -- I don't</p> <p>19 know who told us. I don't know the answer to that</p> <p>20 question, but Seth -- and Seth is working with us, so we</p> <p>21 just follow Seth's direction.</p> <p>22 Q Okay. Did you search anywhere else besides</p> <p>23 the emails?</p> <p>24 A Yes. I searched, I believe, my computer, and</p> <p>25 also, I believe -- I don't know when, but at some point</p>

1 we did search even Ishwinder Judge's computer.
 2 Q Okay. Did you take any steps to confirm that
 3 the search was complete?
 4 A What would those steps be? I mean, we just
 5 search, and whatever shows up is what shows up. What
 6 step would that be? I don't know.
 7 Q Okay. Okay. Well, what I mean to say is, did
 8 you ever do anything to confirm that there were no
 9 documents missing? Had you done that by July 2023?
 10 A Well, the -- I don't think there's a
 11 particular button that you click to confirm that you did
 12 everything. We just searched for particular names, and
 13 whatever showed -- came in is what came in, and then we
 14 submitted all of that information.
 15 Q Okay. I'm uploading a new document. This is
 16 the most recent response to the discovery served in this
 17 case by Plaintiff. If you could, do you recognize this
 18 document?
 19 A The one I have open, the joint discovery?
 20 Q No, it's a new document. If you could take a
 21 look at the Google Drive. This is Exhibit 2. We're
 22 moving on to a different exhibit.
 23 (Exhibit 2 was marked for
 24 identification.)
 25 A One second.

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1 A By "responses," you mean on the 26, Line 26?
 2 Q This document, did you -- Exhibit 2. Were you
 3 involved in writing the responses in Exhibit 2?
 4 A Exhibit 2? When you say "Exhibit 2," it's
 5 Line 26; correct?
 6 Q I mean the whole PDF.
 7 A Oh, no.
 8 Q Okay. So you didn't write this?
 9 A No.
 10 Q Do you know if anybody at CCCF did?
 11 A Again, you are saying that the -- on the line
 12 item I'm reading is, "Defendants object to this request
 13 on the grounds that" --
 14 Q No, sir. I'm talking -- I'm sorry. I'm
 15 sorry. I'm talking about the entire document. Okay?
 16 A Yeah, the -- again, I just -- the entire
 17 document is "CCCF Defendant's Second Amended Response
 18 Production of Documents PDF," which has, "The United
 19 States Court." This entire document?
 20 Q Yes. My question is whether or not anybody at
 21 CCCF was involved in writing this document, or preparing
 22 it?
 23 A No.
 24 Q Okay. Let's go look at the response to
 25 Document number 3. So that is page 3, Line 8.

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1 MR. PRESTON: Let's go off the record, so
 2 you have an opportunity to kind of look this over. Make
 3 sure you get it and look it over.
 4 THE OFFICER: Okay. We are now off the
 5 record.
 6 MR. PRESTON: Is that all right?
 7 THE OFFICER: We're off the record at
 8 11:13 a.m.
 9 (Off the record.)
 10 THE OFFICER: We're now back on the
 11 record at 11:17 a.m.
 12 BY MR. PRESTON:
 13 Q Okay. Do you recognize this document? Have
 14 you seen this before?
 15 A This -- the entire document?
 16 Q This is the -- yeah. This is the "Defendant's
 17 Second Amended Responses to the Plaintiff's Document
 18 Requests."
 19 A Okay.
 20 Q You do recognize it?
 21 A Well, it's just so far back, but I don't. I'm
 22 sure Seth has gone over this with me at some point.
 23 Q Okay. Take a look at Requests 2 and 3 in
 24 particular. Were these your words? Were you involved
 25 in writing these responses?

Page 35

1 A Okay. I'm there.
 2 Q Was this response complete and correct at the
 3 time it was signed?
 4 A I don't know.
 5 Q Okay. Do you know when it was signed?
 6 A Sorry, I don't remember.
 7 Q Okay. All right. So I want to get another
 8 document uploaded. So we're moving on to a new
 9 document. It's Document number 3. All right. Can you
 10 look at -- it should be uploaded and accessible now.
 11 Can you see Document number 3?
 12 (Exhibit 3 was marked for
 13 identification.)
 14 A Not yet.
 15 MR. PRESTON: Why don't we --
 16 THE OFFICER: Should we go off the
 17 record? Should we go off the record?
 18 MR. PRESTON: Yeah.
 19 THE OFFICER: Okay.
 20 MR. WIENER: I actually think that we
 21 should be staying on the record. To me, that's part of
 22 the deposition time, if he has to go through numerous
 23 documents.
 24 MR. PRESTON: He's taking about 30
 25 seconds to answer each question, Seth.

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10 (Pages 34 - 37)

<p>1 MR. WIENER: I'm not sure how to -- I 2 mean, do you consider it long or short or -- 3 BY MR. PRESTON: 4 Q Can you look at page 5? 5 A Okay. I am on page 5. 6 MR. PRESTON: Okay, let's go back on the 7 record. 8 THE OFFICER: Okay. We're on the record 9 at 11:23 a.m. 10 BY MR. PRESTON: 11 Q Okay. On page 5, this is ECF number 64, and 12 Exhibit 3 to this deposition. On page 5, there's a 13 representation about what you would testify to. Do you 14 see what I'm talking about? 15 A No. Which? Where? What -- what am 16 I -- which? Where should I be reading? 17 Q So there's a bullet point that says -- 18 A "RPD 22." 19 Q Yeah. Okay. So below that is a paragraph. 20 At the end of that paragraph, it says, "Mr. Engineer 21 will testify as follows." 22 A Yes, I read that. 23 Q Okay. There is a paragraph below. Do you 24 recognize this language? 25 A "CCCF received referral calls via a</p>	<p>1 you do swear to the truth of these three inset 2 paragraphs on page 5 of the Exhibit 3 here, this ECF 3 number 64? 4 A Yes. 5 Q Okay. It says, "CCF [sic] received referral 6 calls via a live-transfer call from DMS." How did you 7 guys receive these calls? Was it just a straight, plain 8 old telephone system call? 9 A Yes. 10 Q Was any other data given to CCCF besides the 11 voice recording or the voice call, voice connection? 12 A What -- can you explain more on what you mean 13 by -- what other data would that be? It was just a 14 call. 15 Q Okay. So some VoIP systems will transfer over 16 additional information, demographic information, during 17 a transfer. 18 A No. No. No. 19 Q Okay. Then it says, the second paragraph, 20 "DMS had its own portal for all clients that were sent 21 by DMS to CCCF;" is that correct? 22 A Correct. 23 Q Okay. How do you know that DMS has a portal? 24 A Several times, they would -- they would send 25 us a link to access their portal with information.</p>
<p>Page 38</p> <p>1 live-transfer call from DMS." That's the line? 2 Q Yeah. That entire inset text, and I guess 3 it's three paragraphs, inset paragraphs, is that all 4 true and correct? 5 A Let me just read it. Yes. After you're done 6 asking, if you don't mind, I would like to take a 7 ten-minute break to just hit the restroom. 8 Q Sure, that's fine. 9 A Just let me know when. I mean, if you're in 10 the middle, I don't want to -- 11 MR. PRESTON: Let's go off the record 12 now. 13 THE WITNESS: Oh, okay. I'll be back. 14 THE OFFICER: Okay. We are now off the 15 record at 11:26 a.m. 16 (Off the record.) 17 THE OFFICER: And we are now back on the 18 record at 11:33 a.m. 19 BY MR. PRESTON: 20 Q All right. So let's look at page 5 of Exhibit 21 3, which is another joint discovery letter dated May 22 26th, 2003 [sic]. And that first inset paragraph 23 says -- first off, let me back up. It says, 24 "Mr. Engineer will testify as follows." I just want to 25 make sure that you're willing to swear to the truth, or</p>	<p>Page 40</p> <p>1 Q Would they do that on request? 2 A I quite don't remember how they would do it or 3 when they would do it, because it was such a long time 4 back, but I remember that they would -- they -- the -- 5 the reason they had it, because they would -- everything 6 was -- the calls came from them, so they were 7 maintaining them. 8 Q Okay. So they could provide you access to the 9 portal? DMS could provide you access to their portal? 10 A Correct. 11 Q Okay. Does CCF [sic] have access to any other 12 portal at DMS? 13 A Any other portal? No. This was just -- well, 14 whatever they would send us, it would be, like, an -- by 15 portal. It would be an Excel sheet or what our 16 system -- DMS used. I don't quite remember what it is, 17 but that -- that would be the only way we would get 18 access to. 19 Q So you have in the past accessed DMS's portal 20 via links that DMS sent you? 21 A I -- I -- it's -- I believe so, yes. 22 Q Okay. Do you remember who sent you those 23 links? 24 A It -- there were several of them. It could 25 be -- I -- I quite don't remember who particularly would</p>
<p>Page 39</p>	<p>Page 41</p>

<p>1 send it, but it would be from them.</p> <p>2 Q From DMS?</p> <p>3 A Correct.</p> <p>4 Q Okay. It says here that DMS's portal</p> <p>5 generated spreadsheets; is that correct?</p> <p>6 A I think the portal was kind of a spreadsheet.</p> <p>7 If they called it "portal" or whatever it is, it is the</p> <p>8 same thing, I think.</p> <p>9 Q Well, a portal is something you access with a</p> <p>10 browser. A spreadsheet is something you access with</p> <p>11 Microsoft Excel or something similar. Did you ever see</p> <p>12 spreadsheets generated by DMS'S portal?</p> <p>13 A I -- it is such a long time back. I quite</p> <p>14 don't know if it is a -- it -- I think it was an</p> <p>15 Excel-type spreadsheet that DMS would -- DMS would send.</p> <p>16 Q Okay. I'm going to upload three other</p> <p>17 documents. All right. So there's a Exhibit 5 and an</p> <p>18 Exhibit 6.</p> <p>19 A I am on 4.</p> <p>20 Q Yeah, skip 4. Go to 5.</p> <p>21 A I quite have not gotten 5 yet. Okay. I am on</p> <p>22 5.</p> <p>23 Q Okay. So the last page of 5, the</p> <p>24 court -- Exhibit 5 is ECF 86. It is a court order and</p> <p>25 it requires the filing of a sworn declaration regarding</p>	<p>1 Q Okay. There's a Hotmail account, Shiv Johar.</p> <p>2 A Yes.</p> <p>3 Q Do you recognize that email account?</p> <p>4 A Yes.</p> <p>5 Q Who is that?</p> <p>6 A He was somebody that worked with DMS.</p> <p>7 Q Was he a DMS employee?</p> <p>8 A I would have no idea.</p> <p>9 Q Okay. What did he do for DMS?</p> <p>10 A I would have no idea, but he worked with them.</p> <p>11 He used to -- he know -- he knew them, and he had some</p> <p>12 way that he was linked with them. I don't know what,</p> <p>13 how, or what relationship.</p> <p>14 Q Okay. How long have you known -- what's his</p> <p>15 name?</p> <p>16 A Shiv Johar.</p> <p>17 Q Shiv Johar. How long have you known</p> <p>18 Mr. Johar?</p> <p>19 A How long have I known him? Probably from the</p> <p>20 time that we engaged with -- he's the one who engaged</p> <p>21 DMS, so from the time that we knew DMS, I would think.</p> <p>22 Q So. Did DMS introduce you to Mr. Johar?</p> <p>23 A I don't remember if they -- if DMS introduced</p> <p>24 him or he introduced DMS. I -- I don't quite know, but</p> <p>25 he was from DMS.</p>
<p>Page 42</p> <p>1 the defendants' production of documents. Do you</p> <p>2 recognize this document?</p> <p>3 (Exhibit 5 was marked for</p> <p>4 identification.)</p> <p>5 A Let me just read it. Yes.</p> <p>6 Q Okay. When did you see it first?</p> <p>7 A I quite don't remember when. I would have no</p> <p>8 idea when. I mean, it's too broad.</p> <p>9 Q All right. Let's go to -- I'm going to upload</p> <p>10 another document, but quickly look at Exhibit 6, which</p> <p>11 is a declaration from Microsoft Corporation in</p> <p>12 response --</p> <p>13 (Exhibit 6 was marked for</p> <p>14 identification.)</p> <p>15 A Open up Exhibit 6?</p> <p>16 MR. WIENER: I believe that's Exhibit 7.</p> <p>17 Or no, Exhibit 6 is from Microsoft. I'm sorry, yeah.</p> <p>18 THE WITNESS: Which one? Six or seven?</p> <p>19 BY MR. PRESTON:</p> <p>20 Q Six.</p> <p>21 A I'm on 6.</p> <p>22 Q Okay. In the Paragraph six, it discusses</p> <p>23 obtaining header information for certain email accounts.</p> <p>24 Do you recognize any of those email accounts?</p> <p>25 A Exhibit 6? Yes. Point 6? Yes.</p>	<p>Page 44</p> <p>1 Q Did you have a relationship with Mr. Johar</p> <p>2 outside of DMS?</p> <p>3 A No.</p> <p>4 Q Did you have a relationship with Mr. Johar</p> <p>5 prior to working with DMS?</p> <p>6 A I mean, before DMS?</p> <p>7 Q Yes,</p> <p>8 A He would -- he would be associated with some</p> <p>9 other company in the past, but I don't quite know, quite</p> <p>10 remember if he worked with some other companies like</p> <p>11 DMS. But he was the one that introduced us to or he was</p> <p>12 associated with DMS.</p> <p>13 Q Okay. What did Mr. Johar do for DMS?</p> <p>14 A I would have no idea.</p> <p>15 Q You don't know what Mr. Johar did</p> <p>16 for -- sorry. What did Mr. Johar do for CCCF?</p> <p>17 A Nothing. He had nothing to do with CCCF.</p> <p>18 Q Did he arrange telemarketing? Did he arrange</p> <p>19 transfers to CCCF, transferred calls?</p> <p>20 A He -- no. He only worked with DMS, and DMS is</p> <p>21 the one that did that.</p> <p>22 Q Okay. Let's go to Exhibit 7.</p> <p>23 A Yeah.</p> <p>24 (Exhibit 7 was marked for</p> <p>25 identification.)</p>

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12 (Pages 42 - 45)

1 Q Have you seen this email before?
 2 A This is last -- I don't remember, but it -- it
 3 was a year ago, more than a year ago, but --
 4 Q Okay. So this is an email from myself to
 5 Mr. Wiener, in which I told him that the email headers
 6 that Microsoft had produced were in -- some of those
 7 email headers were missing, or some of the emails that I
 8 had found where I had email headers from Microsoft were
 9 not in CCCF's production. Do you see that there's a zip
 10 file which contained a whole bunch of missing headers?
 11 A In this email? I don't see it.
 12 Q No. It's listed as an attachment. I didn't
 13 include all the emails as an attachment to the PDF. Do
 14 you recall being told that Plaintiff's counsel had
 15 identified missing emails in this case?
 16 MR. WIENER: I'm going to move to strike.
 17 That clearly invades the attorney-client privilege.
 18 Also, I'm not going to have the witness answer any
 19 questions if you're going to show him an incomplete
 20 email. You can move on to the next question.
 21 BY MR. PRESTON:
 22 Q When do you recall learning that Plaintiff's
 23 counsel in this case had identified missing emails?
 24 MR. WIENER: Objection. Assumes facts
 25 not in evidence.

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1 (Exhibit 8 was marked for
 2 identification.)
 3 A Search for document number 30?
 4 Q Yes.
 5 A I quite don't remember who -- who searched for
 6 this document, number 30, is what the question is?
 7 Q Yes.
 8 A I quite don't recollect who did the search,
 9 but --
 10 Q It says, "During the period from July 12,
 11 2018, Ishwinder Judge's sources of compensation have
 12 been from FJC and RJC, LLC, which own and operate a
 13 Denny's and a Buffalo Wild Wings franchise restaurant."
 14 Do you know if this statement is accurate?
 15 A Yes.
 16 Q How do you know?
 17 A Because I -- they -- they do have -- that's
 18 what Ishwinder Judge -- they have franchise restaurants.
 19 Q Do they have any other sources of
 20 compensation?
 21 A No.
 22 Q How do you know?
 23 A They could have. I mean, I'm talking about
 24 the franchise restaurant is what I know.
 25 Q All right. All right. So let's look at

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1 MR. PRESTON: That's nice.
 2 BY MR. PRESTON:
 3 Q You can answer.
 4 A I'm sorry. What was the question again?
 5 Q When do you recall learning that the
 6 plaintiff's counsel in this case had identified emails
 7 that were missing from the document production that
 8 Defendants made?
 9 MR. WIENER: Objection. Assumes facts
 10 not in evidence. Vague and ambiguous. Irrelevant.
 11 A Based on my record --
 12 MR. PRESTON: I don't think the
 13 court -- okay. I'm going to tell you, Seth, I don't
 14 think that first court order leaves any doubt about the
 15 relevance. Proceed as you like.
 16 MR. WIENER: All right. Withdraw the
 17 objection. I'm going to maintain the other objections.
 18 BY MR. PRESTON:
 19 Q Okay. Let's look at Exhibit 8. The first
 20 page is a "Third Amended Response to Request for
 21 Production 30." In the response to Request for
 22 Production 30, it references a diligent and reasonable
 23 inquiry with respect to certain financial documents for
 24 Ishwinder Judge. Do you know who did this search?
 25 //

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1 Exhibit 9. Who drafted this declaration? Do you know?
 2 (Exhibit 9 was marked for
 3 identification.)
 4 A This document?
 5 Q Yes. Exhibit 9.
 6 A This whole "United States District"!
 7 Not -- the whole document?
 8 Q No, the substantive portions, the paragraph on
 9 page 2. And do you know who drafted this language on
 10 page 2?
 11 A I don't remember who drafted it. If -- if
 12 anything, Seth should. Seth probably would know.
 13 Q Okay. So Mr. Judge made a declaration on
 14 behalf of National Budget Planners. What was his
 15 relationship with National Budget Planners?
 16 A No relationship, as far as I know.
 17 Q Okay. How did he have knowledge of the facts
 18 relevant to National Budget Planners?
 19 A I have no idea.
 20 Q What was the difference between National
 21 Budget Planners' records and CCCF's records? Did they
 22 keep separate records?
 23 A It's a completely different company. It has
 24 nothing got to do with them. I have no idea, so that is
 25 completely separate.

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13 (Pages 46 - 49)

<p>1 Q So why would Mr. Judge make a declaration for 2 National Budget Planners?</p> <p>3 A I have no idea.</p> <p>4 Q Paragraph 3, it says, "NBP implemented a 5 non-deletion policy for electronic mails and other 6 documents." Do you see that?</p> <p>7 A Page 1?</p> <p>8 Q Page 2, Paragraph 3 of the declaration.</p> <p>9 A Yes.</p> <p>10 Q Okay. How did he do that if he had no 11 relationship with National Budget Planners?</p> <p>12 A I would not know.</p> <p>13 Q The next paragraph, Paragraph 4, it says, "The 14 defendants have produced an electronic recording of 15 Pinn's calls with CCCF." Why does NBP have a recording 16 of that call?</p> <p>17 A I don't know. Which one are you -- what are 18 you talking -- which paragraph are you talking about?</p> <p>19 Q The last sentence in Paragraph 4.</p> <p>20 A It says, "Pinn's call with CCCF." That's the 21 one?</p> <p>22 Q Yes.</p> <p>23 A And what was the question?</p> <p>24 Q Why does NBP have a copy of the recording of 25 that telephone call?</p>	<p>1 last sentence of that inset paragraph on Paragraph five, 2 it says, "The security manager will be responsible for 3 this policy." Who is the security manager?</p> <p>4 A I have -- I would not know.</p> <p>5 Q Okay. Who enforces these policies?</p> <p>6 A Most of our policies are all to do with ISO 7 9001. That's how all our policies are tied in to 8 everything, and that's what gets audited. So I wouldn't 9 know who's responsible, but in ISO, we follow -- since 10 we follow a standard ISO protocol of policies and 11 procedures, it's all included as part of that.</p> <p>12 Q Okay. So NBP and CCCF suspended deletion of 13 documents in July 2022; is that right?</p> <p>14 A Suspended in July '22? I -- I wouldn't -- I 15 don't recall. I don't know.</p> <p>16 Q Okay. Look at Paragraph 6, the second 17 sentence. "NBP did encounter certain technological 18 issues relating to the retrieval of its archived 19 emails." What were those technological issues?</p> <p>20 A I quite don't remember, since it was such a 21 long time back.</p> <p>22 Q Okay. Let's go on to Exhibit 10. Do you 23 recall drafting this declaration?</p> <p>24 (Exhibit 10 was marked for 25 identification.)</p>
<p>1 A I would not know.</p> <p>2 Q So going to the start of Paragraph 4. It 3 talks about NBP's information technology department. 4 Who was that?</p> <p>5 A Most of the stuff was all me. It was myself.</p> <p>6 Q Who else was involved?</p> <p>7 A Nobody else.</p> <p>8 Q Has anybody else looked for documents for this 9 case besides yourself?</p> <p>10 A No.</p> <p>11 Q So Paragraph 5 describes NBP's disaster 12 recovery and security policy that contemplates deletion 13 of emails after 60 days. Do you see that?</p> <p>14 A Yep.</p> <p>15 Q Okay. Who created this policy?</p> <p>16 A I would not know.</p> <p>17 Q Does it cover all email, or just email with 18 clients?</p> <p>19 A Does it have all emails or emails with 20 clients? It's too broad. I mean, I -- I wouldn't know.</p> <p>21 Q Well, email with NBP's clients would just mean 22 people who had agreed to counseling. All email would 23 mean internal email among NBP and anybody else.</p> <p>24 A I would not know.</p> <p>25 Q So you don't know if -- well, who is -- the</p>	<p>1 A I have not even opened --</p> <p>2 Q I mean the language in it, the Paragraphs 1 3 through 6.</p> <p>4 A I have it open now. What was the question?</p> <p>5 Q Looking at the language on page -- this is 6 your declaration. It's ECF number 89, and looking on 7 the second page.</p> <p>8 A Okay.</p> <p>9 Q The text there in Paragraphs 1 through 6, do 10 you recall who wrote this language?</p> <p>11 A Recall who wrote this? It would probably be 12 Seth working with me on this.</p> <p>13 Q Okay. So in Paragraph 3, it says, 14 "Immediately upon receiving notice of the above 15 captioned lawsuit, CCF [sic] implemented a non-deletion 16 policy." And it looks like the notice was on July 12, 17 2023; is that correct?</p> <p>18 A It's such a long time. I -- I don't recall, 19 recollect 2022. It's been two years.</p> <p>20 Q Okay. Sure. So to correct, on Paragraph 2, 21 it talks about this email from Haley Jones-Partilla on 22 July 12, 2023. It should actually be July 12, 2022; 23 correct?</p> <p>24 A I have no idea. Who is this attorney?</p> <p>25 Q Sir, this is your declaration.</p>

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14 (Pages 50 - 53)

<p>1 A No.</p> <p>2 THE WITNESS: But who is this, Seth? I</p> <p>3 mean, Seth might know who this is because --</p> <p>4 BY MR. PRESTON:</p> <p>5 Q So she is not your counsel?</p> <p>6 A Haley? Who is this?</p> <p>7 THE WITNESS: Seth, you probably would --</p> <p>8 BY MR. PRESTON:</p> <p>9 Q I don't know. So just to confirm --</p> <p>10 MR. WIENER: I would object. A lot of</p> <p>11 times, they receive automatic notices from attorneys</p> <p>12 shopping for business. So it would make sense that he</p> <p>13 doesn't know it.</p> <p>14 MR. PRESTON: The question about who she</p> <p>15 is, I don't know that I actually asked that.</p> <p>16 THE WITNESS: I thought you asked who</p> <p>17 this attorney is, but I'm sorry. I -- I -- that's why I</p> <p>18 said I don't know.</p> <p>19 BY MR. PRESTON:</p> <p>20 Q Okay. So she is not your counsel? She does</p> <p>21 not represent any of the attorneys -- or sorry, any of</p> <p>22 the defendants in this case?</p> <p>23 THE WITNESS: Seth, do you? I -- I</p> <p>24 don't -- I don't recognize that name, Seth. So maybe</p> <p>25 Seth can look at it. I don't know if somebody else</p>	<p>1 standard policy, so it's -- it's included into that.</p> <p>2 All of our policies and procedures are part of that.</p> <p>3 Q All right. Paragraph 6, the first sentence</p> <p>4 says, "No information relevant to this lawsuit has been</p> <p>5 deleted between July 2022 and the present;" is that</p> <p>6 still correct?</p> <p>7 A Correct.</p> <p>8 Q What about audio recordings?</p> <p>9 A What about audio recordings?</p> <p>10 Q Does CCCF keep its audio recordings which are</p> <p>11 relevant to this lawsuit?</p> <p>12 A Yes. CCCF keeps the audio recordings, but we</p> <p>13 keep it only for a 60-day duration.</p> <p>14 Q Okay. So after 60 days, the audio recordings</p> <p>15 are all deleted?</p> <p>16 A No, no. Nothing is ever deleted. No, no.</p> <p>17 Nothing is deleted. It just rerecords it over it,</p> <p>18 because we are a -- we are a very small, nonprofit</p> <p>19 organization and each -- like I explained to you in your</p> <p>20 first question that you had asked me on operations on</p> <p>21 what the counselor does, each call with these counselors</p> <p>22 that interacts with a potential client is anywhere</p> <p>23 between 120 minutes to 180 minutes. And it's very</p> <p>24 extensive, these -- these calls.</p> <p>25 Q I recall that. I recall that.</p>
<p>Page 54</p> <p>1 knows.</p> <p>2 BY MR. PRESTON:</p> <p>3 Q Okay. You don't need to spend any more time</p> <p>4 on that. I just want to ask, did the defendants stop</p> <p>5 deleting things in July 2022 or in April 2022, when</p> <p>6 Ms. Pinn made her complaint?</p> <p>7 A The question is whether we did it in April or</p> <p>8 July? I quite don't recollect which -- when we did it.</p> <p>9 Q Okay. On Paragraph 4, it describes a search</p> <p>10 by CCCF's information technology department. Who is</p> <p>11 that?</p> <p>12 A That would also be me.</p> <p>13 Q Okay. And nobody else?</p> <p>14 A No.</p> <p>15 Q Okay. Paragraph 5 describes a disaster</p> <p>16 recovery and security policy that appears to be the same</p> <p>17 as NBP, and do you know who created that disaster</p> <p>18 recovery and security policy?</p> <p>19 A It's probably created a long time back, so I</p> <p>20 would have no idea.</p> <p>21 Q Okay. Do you know who the security manager is</p> <p>22 referenced in Paragraph 5?</p> <p>23 A No, I don't recollect who it is.</p> <p>24 Q Do you know where this policy is kept?</p> <p>25 A It is part of the ISO 9001 procedure and</p>	<p>Page 56</p> <p>1 A I'm trying to --</p> <p>2 Q I'm just asking about the recordings.</p> <p>3 A Yes.</p> <p>4 Q And whether or not they're still available.</p> <p>5 A So every 60 days, these recordings get</p> <p>6 rewritten on our round robin. So it's -- the 60th day</p> <p>7 gets overwritten again and again and again, because</p> <p>8 otherwise, we would have to have terabytes of space to</p> <p>9 store these recordings, so it gets overwritten every 60</p> <p>10 days. If you don't mind, I would request that it's</p> <p>11 12:15. Can I take a lunch break?</p> <p>12 Q Sure.</p> <p>13 A And we can resume at 1:15.</p> <p>14 Q Do you need an hour lunch break? Sure.</p> <p>15 A It would -- it would be ideal if I could just</p> <p>16 go and grab a bite.</p> <p>17 Q That's fine.</p> <p>18 A If that's okay with you. I would take -- I'll</p> <p>19 be back at 1:15.</p> <p>20 MR. PRESTON: Okay. Let's go off the</p> <p>21 record.</p> <p>22 MR. WIENER: Thank you.</p> <p>23 THE WITNESS: Okay. Thank you.</p> <p>24 THE OFFICER: Okay, we are now off the</p> <p>25 record at 12:14 p.m.</p>

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15 (Pages 54 - 57)

<p>1 (Off the record.)</p> <p>2 THE OFFICER: Okay. We are back on the</p> <p>3 record at 1:15 p.m.</p> <p>4 BY MR. PRESTON:</p> <p>5 Q All right. So I'd like you to look at Exhibit</p> <p>6 11, which is an email from your counsel, and it's dated</p> <p>7 July 27, 2023, and it concerns a July -- if you look at</p> <p>8 the bottom there, there's a link to a box.com, and then</p> <p>9 there's an email exchange discussing, excuse me, the</p> <p>10 production. Did defendants produce new documents on</p> <p>11 July 20, 2023?</p> <p>12 (Exhibit 11 was marked for</p> <p>13 identification.)</p> <p>14 MR. WIENER: I'm going to object.</p> <p>15 There's no way he can recall the exact days that</p> <p>16 anything was produced.</p> <p>17 MR. PRESTON: Well, it's a</p> <p>18 20(b)(6) -- 30(b)(6) deposition about that specific</p> <p>19 issue.</p> <p>20 MR. WIENER: It's not about the specific</p> <p>21 issue of what date documents were produced. That's not</p> <p>22 a realistic expectation. If you have a document that</p> <p>23 shows whether documents were produced on a date, you can</p> <p>24 ask him. I mean, if he knows the answer, you can</p> <p>25 answer. I just don't think that's a --</p>	<p>1 doesn't make clear what --</p> <p>2 MR. PRESTON: No, I don't want to hear</p> <p>3 it. You can answer if you like. Your objections are</p> <p>4 reserved. That's fine.</p> <p>5 MR. WIENER: I'm going to instruct him</p> <p>6 not to answer. That question's stupid, for lack of a</p> <p>7 better word. I mean, you can ask him cogent questions,</p> <p>8 or I may end the deposition.</p> <p>9 MR. PRESTON: Based on -- you can do</p> <p>10 that, but he's going to answer some questions about when</p> <p>11 stuff was produced and whether it was complete or not.</p> <p>12 MR. WIENER: You're going to ask some</p> <p>13 cogent questions, or he is not going to be able to</p> <p>14 answer, Ethan.</p> <p>15 MR. PRESTON: The questions are fine.</p> <p>16 MR. WIENER: They're not fine.</p> <p>17 MR. PRESTON: I think you don't like --</p> <p>18 MR. WIENER: Asking him if a production's</p> <p>19 complete and not telling him what production you're</p> <p>20 referring to is wasting time.</p> <p>21 BY MR. PRESTON:</p> <p>22 Q Defendants' production as of July 2023, was</p> <p>23 that production complete?</p> <p>24 MR. WIENER: Objection. Vague and</p> <p>25 ambiguous. It's unintelligible what production you're</p>
<p>Page 58</p> <p>1 THE WITNESS: I think it is way too</p> <p>2 broad. I have no recollection.</p> <p>3 BY MR. PRESTON:</p> <p>4 Q Okay. So you don't recall if there were new</p> <p>5 documents produced on July 20, 2023?</p> <p>6 A Specifically on July 2023, specifically on</p> <p>7 that date, I have -- I -- I would have no idea, but I --</p> <p>8 I believe we have produced so many documents, and yes,</p> <p>9 we have produced everything that -- that needed to be</p> <p>10 produced.</p> <p>11 Q Okay. I want to point out the last answer</p> <p>12 took 36 seconds. Is it -- looking at this email, and</p> <p>13 it's dated July 27th, is it correct that the production</p> <p>14 is complete as of July --</p> <p>15 A Which one? Which one are you -- which one am</p> <p>16 I going to looking at?</p> <p>17 Q The same email we were talking before, Exhibit</p> <p>18 11.</p> <p>19 A But there are several in there.</p> <p>20 Q So the most recent. Look on page 1, where it</p> <p>21 says, "Confirmed for a third time."</p> <p>22 A Yes. The first -- first page. Okay.</p> <p>23 Q Yes. So was Defendants' document production</p> <p>24 complete as of July 27, 2023?</p> <p>25 MR. WIENER: I'm going to object that it</p>	<p>Page 60</p> <p>1 referring to.</p> <p>2 MR. PRESTON: All of Defendants'</p> <p>3 productions through that date.</p> <p>4 MR. WIENER: Objection. Same objection.</p> <p>5 BY MR. PRESTON:</p> <p>6 Q Was it complete as of July 2023?</p> <p>7 MR. WIENER: All right. Move on, Ethan.</p> <p>8 You're not going to keep on asking the same</p> <p>9 unintelligent question.</p> <p>10 MR. PRESTON: No, I think I need an</p> <p>11 answer.</p> <p>12 MR. WIENER: We're going to end the</p> <p>13 deposition if you're going to continue to badger the</p> <p>14 witness. And you can go to court and explain why you --</p> <p>15 don't open your mouth like that.</p> <p>16 MR. PRESTON: He hasn't actually answered</p> <p>17 the question. It's not an asked and answered. It's you</p> <p>18 objecting. You don't like the answer. You don't like</p> <p>19 what's being asked.</p> <p>20 MR. WIENER: Right.</p> <p>21 MR. PRESTON: That's not the same thing.</p> <p>22 Badgering --</p> <p>23 MR. WIENER: It's unintelligible, and</p> <p>24 you're not willing -- of course, if you're able to</p> <p>25 answer his question about what production was complete</p>

1 without knowing what production it is, feel free.
 2 **THE WITNESS:** I have no idea. Well,
 3 how -- how am I going to answer this question?
 4 BY MR. PRESTON:
 5 Q Okay. Do you know why your counsel was saying
 6 that production was complete?
 7 MR. WIENER: Objection. Invades the
 8 attorney-client privilege and the attorney work product
 9 doctrine. I'm going to instruct the witness not answer.
 10 BY MR. PRESTON:
 11 Q Okay. Let's go to Exhibit 12, upload that.
 12 Exhibit 12 is a supplemental declaration that was filed
 13 on August 23, 2023, and it is ECF 94. Do you have it?
 14 (Exhibit 12 was marked for
 15 identification.)
 16 A I am just about opening it. Yes. Opened.
 17 Q Okay. Paragraph 2 concerns archived
 18 informations that were stored by CCCF and NBP. Was
 19 there any issue with searching for these archived
 20 emails?
 21 A Which one are you reading -- am I reading?
 22 What line?
 23 Q It's Line 13, Paragraph 2.
 24 A Okay. So what was the question again?
 25 Q Okay. So that response took 17 seconds. The

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1 A Yes. We also searched Ishwinder Judge's
 2 accounts.
 3 Q And so the search was limited to your account
 4 and Ishwinder Judge's account?
 5 A That is correct.
 6 Q Okay. It then says, "The archived emails were
 7 first downloaded into an archived email folder and were
 8 then searched for relevant information." Why were these
 9 emails downloaded into an archived email folder?
 10 A Why were they downloaded?
 11 Q Why were they, yes.
 12 A How would we search for them if we don't
 13 down -- we had to get that information to search for it.
 14 Q Well, couldn't you search for them on the
 15 server, on your email server?
 16 A I don't know the answer to that. Probably, I
 17 mean, there could be a way. I do not know, but that's
 18 the way I did it.
 19 Q Okay. And you said "searched for relevant
 20 information." What do you mean by "relevant
 21 information" there?
 22 A What do I mean by "relevant information"?

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1 question is, did Defendants encounter any difficulty
 2 recovering and producing documents that were archived?
 3 MR. WIENER: And I'm going to instruct
 4 the witness not to answer any question after you say how
 5 long his last answer took. It's a waste of time. It's
 6 badgering and obnoxious. Stop doing it.
 7 MR. PRESTON: He's delaying. I'm sorry
 8 that you don't like somebody noticing that.
 9 MR. WIENER: No, he's not delaying. He's
 10 thinking about the question, which is entirely
 11 appropriate. If you're going to do a freaking countdown
 12 on how long every answer takes, we're going to end the
 13 deposition. That's not a proper tactic. It's harassing
 14 and obnoxious.
 15 BY MR. PRESTON:
 16 Q All right. Paragraph 3. It says you are the
 17 only person at CCCF and NBP who had any communications
 18 with Digital Media Solutions; is that correct?
 19 A Yes.
 20 Q Later on in Paragraph 3, it says all of your
 21 archived emails were searched. Were any other emails
 22 searched?
 23 A You mean my emails? Yes.
 24 Q Was any other person's email, any other email
 25 accounts searched?

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1 by the name Kelly Pinn and DMS.
 2 Q Okay. And you did not search for Shiv Johar?
 3 A I don't recall at that point. At -- at that
 4 time, I did.
 5 Q Okay. Did you download all of your archived
 6 emails?
 7 A Did I download all of the archived emails? I
 8 downloaded the entire archive, yes.
 9 Q Okay. All right. So I'm going to upload
 10 another exhibit. Actually, two other exhibits.
 11 A Which one?
 12 Q So 13 and 14 are -- it's an email and then a
 13 spreadsheet of email headers that was attached to the
 14 first email. So Exhibit 13 is an email I sent to your
 15 counsel. Exhibit 14 is essentially a spreadsheet
 16 created out of the email headers that were attached to
 17 Exhibit 13.
 18 (Exhibits 13 and 14 were marked for
 19 identification.)
 20 A Which one do you want me to first open, 13 or
 21 14?
 22 Q Why don't you look at 14? I think that that's
 23 the best use of our time.
 24 A One second. Hold on. I'm not there. Okay.
 25 I have it open.

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17 (Pages 62 - 65)

1 Q Okay. When did you learn that these emails
2 were missing from Defendants' production?
3 MR. WIENER: Objection. Assumes facts
4 not in evidence.
5 MR. PRESTON: I'll represent that these
6 emails were missing from Defendants' production.
7 MR. WIENER: Same objection. I don't
8 care for your representations. Also, was this
9 spreadsheet produced at any time?
10 MR. PRESTON: This is an exhibit.
11 Essentially, these are the -- it's an exhibit that was
12 prepared from documents that I gave to you.
13 MR. WIENER: All right. It's our
14 position that it operates as a waiver of the attorney
15 work product doctrine.
16 MR. PRESTON: Whatever. Sure, to the
17 extent that there's missing emails.
18 BY MR. PRESTON:
19 Q All right. So it's been 60 seconds since I've
20 asked my question, Mr. Engineer.
21 MR. WIENER: No, that's incorrect. You
22 continued to make statements, which he needs to listen
23 to. It hasn't been 60 seconds. You're just lying and
24 misrepresenting the record, and you waived the attorney
25 work product.

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1 is interesting.
2 BY MR. PRESTON:
3 Q All right. Let's look at Exhibit 15. This is
4 an email from your counsel dated September 25, 2023.
5 I'm going to represent to you that that attachment
6 included, I think, some 52 emails.
7 (Exhibit 15 was marked for
8 identification.)
9 A I don't see any attachments. I just see an
10 email.
11 Q Correct. I just sent the email. I did not
12 include any attachments to that email.
13 A Okay.
14 Q So this is a production that was made in
15 September of 2023. Do you know if any of these emails
16 had been produced before?
17 MR. WIENER: Objection. You're not
18 showing the emails. There's absolutely no way he could
19 possibly cross-reference non-existent emails with a
20 prior production.
21 MR. PRESTON: Right. So it's a Rule
22 30(b)(6). He's supposed to know what the organization
23 knows.
24 MR. WIENER: Well, it -- Ethan, give me a
25 break. How is he supposed to reference it? If you want

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1 MR. PRESTON: Seth, you are living in a
2 fantasy world. That's not waiver. That's preparing an
3 exhibit. Any waiver is limited to that exhibit.
4 MR. WIENER: No, it's not.
5 MR. PRESTON: I don't know what --
6 MR. WIENER: You don't get to selectively
7 waive the attorney work product doctrine, and I'm
8 absolutely not living in a fantasy world that if you
9 continue to speak, he can't work on formulating an
10 answer.
11 MR. PRESTON: I'm responding to your
12 objections. You're obstructing this deposition.
13 MR. WIENER: I'm not obstructing
14 anything. I'm entitled to make objections, and I intend
15 to do so, and he's not going to be able to respond while
16 we're discussing the objections. So it has not been 60
17 seconds since you asked the question, because there was
18 a number of intervening objections.
19 MR. PRESTON: Your objections delay his
20 answer. I don't know what you want.
21 MR. WIENER: I want -- I'd like you to
22 make reasonable questions. That's it. I'm not going to
23 stop making objections to improper questions just so we
24 can speed things up for you.
25 MR. PRESTON: Your definition of improper

1 to show him each individual email --
2 MR. PRESTON: It's what's produced when.
3 That's the point of this deposition. There's a court
4 order saying that.
5 MR. WIENER: You're not going to ask him
6 about emails without showing it to him. I'm going to
7 instruct him not to answer. If you're not willing to
8 show him the emails, it's not a fair question.
9 BY MR. PRESTON:
10 Q There are emails that you produced. Were
11 there new emails produced in September?
12 MR. WIENER: I'm going to instruct him
13 not to answer. You're not showing him what was produced
14 before and what was produced afterward.
15 MR. PRESTON: I don't think that's my
16 obligation.
17 MR. WIENER: That's absolutely your
18 obligation. It's on record.
19 MR. PRESTON: No, it's not.
20 MR. WIENER: He's supposed to remember
21 what 52 separate emails were produced on what date?
22 MR. PRESTON: Seth, this is going to go
23 in front of the judge.
24 MR. WIENER: Right. And I'll be glad to
25 explain to the judge that no human being could possibly

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18 (Pages 66 - 69)

1 cross-reference emails if you're not going to show it to
2 him.

3 MR. PRESTON: Right. But they're going
4 to -- he's supposed to know whether or not new emails
5 were produced in July or September.

6 MR. WIENER: That's not one of the
7 discussion topics, and you need to show him the emails
8 for him to answer that.

9 MR. PRESTON: I don't think I do. I
10 don't have to show him every document that's referenced
11 in a deposition.

12 MR. WIENER: It's impossible for any
13 human being to recall whether 52 emails that you're not
14 showing him were previously produced. How can anyone do
15 that? That's not the point of a 30(b)(6) deposition.

16 MR. PRESTON: I've heard enough. I'm
17 going to ask the question again.

18 BY MR. PRESTON:

19 Q Were any new documents produced in September
20 2023?

21 A I believe every single document have
22 been -- whatever was requested, we've produced it.

23 Q When did you produce every single document?

24 A Well, I have no idea to when we produced.

25 There were lot of emails that were produced, so we've

1 MR. WIENER: I'm going to instruct him
2 not to answer. He was opening a document because you
3 refuse to show it to him on the screen. Show him every
4 document, going forward, on the screen, if you're going
5 to fault him for actually taking the time to open the
6 documents using Google Drive. That's freaking putrid,
7 Ethan. Show him the documents on the screen going
8 forward.

9 MR. PRESTON: If you want to pretend your
10 client's -- it's fine. I can't stop you, but I'm going
11 to respond and I'm going to manage my deposition well.
12 All right.

13 MR. WIENER: I'm going to instruct him
14 not to answer unless you're showing documents on the
15 screen. That's not right, what you just did. He's
16 taking the time to open a document using Google Drive,
17 which is a three-step process.

18 MR. PRESTON: You're delaying this
19 deposition now.

20 MR. WIENER: No, you're faulty, and
21 you're trying to create a sense that he's creating delay
22 opening documents that you're sending to him using
23 Google Drive. That's not right.

24 MR. PRESTON: Thirty-six seconds.

25 MR. WIENER: Fine. We're going to take a

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1 produced them. I don't know when. I mean, I cannot go
2 back and recall exactly which date, what was produced,
3 but we've produced everything.

4 Q Okay. I'm going to have you look at Exhibit
5 16. Exhibit 16 is one of the documents that was
6 produced by Defendants in September of 2023. Do you
7 have Exhibit 16 in front of you?

8 (Exhibit 16 was marked for
9 identification.)

10 A Not yet. I do.

11 Q Okay. Do you see a table in the center of the
12 document?

13 A Yes.

14 Q Where is that table from?

15 A I have no idea. I would -- if -- if I would
16 have to, I -- I would not like to guess, but it's
17 probably the DMS's portal.

18 Q Okay. Let's go to another. All right. I've
19 uploaded Exhibit 18. Can you look at Exhibit 18?
20 (Exhibit 18 was marked for
21 identification.)

22 A I'm not there yet. I can't. One second.
23 Yes, I have it.

24 Q Thirty-three seconds. All right. It says,
25 "We will have report alongside the" --

1 five-minute break, Ethan, and you can start conducting
2 yourself like a professional. I'm going off the record.
3 MR. PRESTON: I think this is
4 professional. I think that you've coached your client
5 very well. I'm impressed. That's all.

6 MR. WIENER: Ethan, shut up. You're
7 acting like an ass. I'm going off the record.

8 THE OFFICER: Okay. We are now off the
9 record at 11 -- at 1:40 p.m.

10 (Off the record.)

11 THE OFFICER: Okay. We are now back on
12 the record at 1:44 p.m.

13 BY MR. PRESTON:

14 Q All right. So Exhibit 18 is an email that was
15 produced in September 2023 by the defendants. The first
16 sentence says, "We will have the report alongside the
17 avatar and live calls on the Google spreadsheet
18 shortly." What is "the avatar"?

19 A I think avatar is what DMS categorize their
20 calls on the way they were doing their marketing.

21 Q What category was the avatar?

22 A I have no idea. It is a DMS thing that they
23 did.

24 Q But it's your email. What did you mean when
25 you said "avatar"?

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19 (Pages 70 - 73)

1 A It's the calls that they were sending.
 2 Q But they also sent live calls. So what's the
 3 distinction between avatar and live calls?
 4 A I think they were the same. It was just two
 5 different, I think, ways that they were doing it.
 6 Q What was different about them?
 7 A I don't think there was anything. I don't
 8 recall anything being different.
 9 Q So why did you use two different phrases to
 10 describe these calls?
 11 A Well, I don't recall. I think it is what they
 12 categorized them different. They categorized it, and
 13 that's what we were following, because it's their thing,
 14 not ours. They're sending the calls.
 15 Q So you had no way to distinguish between what
 16 was an avatar call and what was a live call?
 17 A Say that -- repeat that question again. I
 18 couldn't -- I -- I didn't get that question.
 19 Q You had no way to distinguish between what was
 20 an avatar call and what was a live call?
 21 A I believe that they were coming in on the same
 22 lines, but for some reason, they had us distinguish
 23 those two.
 24 Q Is a live call somebody where there's a live
 25 telemarketer on the line?

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1 A I don't know when he keeps saying
 2 "telemarketer." Who is a telemarketer?
 3 Q Okay. It references a Google spreadsheet.
 4 Where is that Google spreadsheet? Has that Google
 5 spreadsheet been produced?
 6 A It's DMS. DMS has that. They are the ones.
 7 Q So you were able to add data to the Google
 8 spreadsheet?
 9 A Yes.
 10 Q Do you have access to the Google spreadsheet?
 11 A I don't think so. They -- they have taken
 12 everything away.
 13 Q Did you have access to the Google spreadsheet
 14 in July 2022?
 15 A I don't think so. I don't -- I don't remember
 16 back -- going back to July '22.
 17 Q Okay. All right. So let's look at Exhibit
 18 20. Do you have that in front of you?
 19 (Exhibit 20 was marked for
 20 identification.)
 21 A No, not yet. Yes, I have it open.
 22 Q All right. There's an email address here.
 23 "trinhn@cccfusa.org." Do you recognize that email
 24 address?
 25 A I do.

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1 Q Who is that?
 2 A That is our accounting person.
 3 Q Is she a CCCF employee?
 4 A On a part-time, yes.
 5 Q Okay. Going to add another exhibit. Exhibit
 6 21. Do you have exhibit 21 in front of you?
 7 (Exhibit 21 was marked for
 8 identification.)
 9 A Not yet. One second. I do.
 10 Q Okay. So this is an email that was also
 11 produced in September 2023. There's an attachment,
 12 which is an Excel spreadsheet. What is a "live
 13 transfer"? It says, "38 live transfers."
 14 A They're just --I think they -- DMS
 15 distinguished these, so that these are the -- but you
 16 asked me the last time too. I think they're the ones
 17 that did these categories. All, live transfer, the down
 18 sells, and then the double verified. It was all DMS.
 19 Q Do you know how -- well, how did you
 20 categorize something as a live transfer?
 21 A I did -- I did not. They did.
 22 Q Okay. What is a "down sell"?

23 A I have no idea. It's a DMS categorization.
 24 Q Okay. What's a "double verified"?

25 A I would have no idea.

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1 Q Okay. So looking at this spreadsheet, where
 2 did this data come from?
 3 A I don't see the spreadsheet.
 4 Q Keep strolling down.
 5 A Oh, okay. Yeah, I do see it. What was the
 6 question now?
 7 Q Where did this data come from?
 8 A This would also have to be from the DMS portal
 9 that sent those calls to us.
 10 Q Okay. So how did you get this data?
 11 A From DMS.
 12 Q Okay. There's a column that says C-L-I-D. Do
 13 you recognize that column?
 14 A It's probably something that they -- DMS did.
 15 Q Okay, let's get document -- so I've uploaded
 16 Document 22. If you'll look below, it's a email chain
 17 and one of your emails is sent on August 3, 2021 at
 18 11:23 a.m.
 19 (Exhibit 22 was marked for
 20 identification.)
 21 A Can I -- I don't know where it -- there's so
 22 many in this. One second. Which?
 23 Q You know what? I can probably --
 24 A Can you tell me?
 25 Q So it's document -- it's the new exhibit.

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20 (Pages 74 - 77)

<p>1 It's Document 22.</p> <p>2 A No, I'm on Document 22.</p> <p>3 Q Okay. So what I'm going to do, I'm going to</p> <p>4 share the screen. Can you see the screen now? No, you</p> <p>5 can't. Here, let's try this. Can you see the screen</p> <p>6 now?</p> <p>7 A No, I don't see. I only see mine.</p> <p>8 MR. WIENER: I can see it now.</p> <p>9 THE WITNESS: I do. I do see it now.</p> <p>10 BY MR. PRESTON:</p> <p>11 Q Okay. So I've highlighted a sentence. It's</p> <p>12 an email chain from you. It says, "Please send me</p> <p>13 portal information, et cetera, once the campaign is set</p> <p>14 from your end." What portal information are you</p> <p>15 referring to?</p> <p>16 A That's the same thing we've been talking about</p> <p>17 this whole time, that -- the DMS Excel portal that</p> <p>18 they -- that they host, that they have.</p> <p>19 Q Okay. Okay. And it says -- what's the</p> <p>20 "portal information"? Is that a login and a password?</p> <p>21 A Either it's a login. I -- I think it -- it</p> <p>22 was so long back. I don't remember if it was a login or</p> <p>23 a password. I -- I don't -- it was an Excel-type kind</p> <p>24 of a portal. So you -- I think it was done through</p> <p>25 either Google or somehow that they gave us access to it.</p>	<p>1 BY MR. PRESTON:</p> <p>2 Q All right. We're in the home stretch.</p> <p>3 Mr. Engineer, I ask to look at Exhibit 20 again.</p> <p>4 A I have it open.</p> <p>5 Q Okay, excellent. If you have that open and</p> <p>6 you can zoom in, there are two screenshots. Or maybe</p> <p>7 they're not two. It's one screenshot, but there's two</p> <p>8 images. Do you recognize those images?</p> <p>9 A I can barely see these. I can -- too much. I</p> <p>10 could see them, but they're not very clear, but I could</p> <p>11 see them.</p> <p>12 Q Okay. Well, my question is, do you -- that</p> <p>13 obviously looks like, to me, a screenshot of a portal or</p> <p>14 something, and I'm wondering if you recognize that</p> <p>15 portal. Looks like a webpage, partial screenshot of a</p> <p>16 webpage.</p> <p>17 A I would have no idea what that -- if it's a</p> <p>18 portal or what, but it's from DMS for sure.</p> <p>19 Q Okay. Let's see where we're at. We're on 25.</p> <p>20 All right. All right. I'm going to upload Exhibit 25.</p> <p>21 It's "Defendants' Document Production CCCF 0002." Let</p> <p>22 me know when you have it open.</p> <p>23 (Exhibit 25 was marked for</p> <p>24 identification.)</p> <p>25 A I do.</p>
<p>Page 78</p> <p>1 Q Okay. When you say "et cetera," what does</p> <p>2 that mean?</p> <p>3 A What does "et cetera" mean?</p> <p>4 Q Yeah, in that sentence.</p> <p>5 A I have no idea. I mean, what -- what --</p> <p>6 Q All right. That's fine. It might not mean</p> <p>7 anything, and that would be an acceptable answer.</p> <p>8 A Do you still want me to answer it?</p> <p>9 Q Sure, if you like.</p> <p>10 A No, no. I -- I don't know what you -- what</p> <p>11 you wanted, so I'm just asking you.</p> <p>12 MR. PRESTON: Okay. Can we take a break</p> <p>13 for about five minutes?</p> <p>14 MR. WIENER: Sure.</p> <p>15 THE WITNESS: Oh, absolutely. I would</p> <p>16 love that.</p> <p>17 MR. PRESTON: Okay.</p> <p>18 THE WITNESS: Five minutes or ten</p> <p>19 minutes? It's one -- five minutes?</p> <p>20 THE OFFICER: We're now off the record at</p> <p>21 1:56.</p> <p>22 (Off the record.)</p> <p>23 THE OFFICER: We're now back on the</p> <p>24 record at 2:04 p.m.</p> <p>25 //</p>	<p>Page 80</p> <p>1 Q Okay. Do you recognize this document?</p> <p>2 A Yes.</p> <p>3 Q Okay. What is that?</p> <p>4 A It is the call record of the plaintiff.</p> <p>5 Q Is this a screenshot of CreditSoft?</p> <p>6 A Yes. This is a system from where this</p> <p>7 information goes into CreditSoft, yes.</p> <p>8 Q Okay. Do you see the boxes at the very end?</p> <p>9 There's these boxes of text with the word "view" next to</p> <p>10 them, and there's a "date created" on the other side.</p> <p>11 A Yes.</p> <p>12 Q Okay. If you look at the very bottom of the</p> <p>13 last box at the bottom, do you see the text, "As I went</p> <p>14 back to the question"?</p> <p>15 A Sorry?</p> <p>16 Q So the bottom box, the third box at the very</p> <p>17 bottom. Do you see the very last sentence? It says,</p> <p>18 "As I went back to the question"?</p> <p>19 A Yes, I do. I see it.</p> <p>20 Q Okay. That sentence has been cut off, isn't</p> <p>21 that right?</p> <p>22 A I -- I wouldn't know if it's cut off or that's</p> <p>23 the final without a period. I would have -- I -- I</p> <p>24 wouldn't know. It just --</p> <p>25 Q So you can't tell if that -- well, "As I went</p>

<p>1 back to the question," is that a complete sentence?</p> <p>2 A Again, I wouldn't know if it is or not. It's</p> <p>3 missing a period. So maybe it's -- they forgot to put a</p> <p>4 period, but -- or I don't know.</p> <p>5 Q Okay. All right. So we're going to upload a</p> <p>6 few more documents. Some of these documents are</p> <p>7 important for the record, but I don't necessarily need</p> <p>8 to ask you about them. Today, I received a zip file</p> <p>9 from your counsel.</p> <p>10 A You're getting cut off. I can't hear you.</p> <p>11 Q Sorry. I didn't complete the sentence. I</p> <p>12 received a set of documents from your counsel today in</p> <p>13 an email titled, "Skype Files Native Format." Did you</p> <p>14 produce your Skype account today?</p> <p>15 A Yes.</p> <p>16 Q Okay. How did you do that?</p> <p>17 A Oh boy. That was one arduous task, and I'm</p> <p>18 sure you know about it, because it -- it is just</p> <p>19 something -- I don't know how the Skype does it, because</p> <p>20 you had to go into Command Prompt. And I'm sure</p> <p>21 you -- if you've done it, you -- you know it.</p> <p>22 The -- the instructions are not as easy</p> <p>23 to -- we gave -- I had to, like, literally look it up on</p> <p>24 how to do this, because it required going into, like,</p> <p>25 Command Prompt and typing in commands to extract this</p>	<p>1 part of the document that said what you have to do. It</p> <p>2 is in Skype's instructions on going into Command Prompt,</p> <p>3 and then you had to type in these commands to kind of do</p> <p>4 all that. It was super complicated, but I managed to</p> <p>5 finally do it.</p> <p>6 I followed these instructions, but if you</p> <p>7 don't type these commands correctly, there is no way you</p> <p>8 could -- you could get that. And that was what was</p> <p>9 arduous in terms of getting that file, and, just, Skype</p> <p>10 makes it very, very hard to do that. Not being able to</p> <p>11 differentiate it, it was extremely hard to export it.</p> <p>12 But then after you export it, then you have to</p> <p>13 extract it, before which you have to go into this</p> <p>14 Command Prompt and literally type these commands. And</p> <p>15 if you don't type them correctly, you're not going to</p> <p>16 get them. But anyways.</p> <p>17 Q Okay. Hold on. I need to -- sorry, your</p> <p>18 question is -- excuse me, a little bit of delay. So I'm</p> <p>19 going to upload. We're going to designate it as Exhibit</p> <p>20 29A. This is a screenshot of a Microsoft website. Let</p> <p>21 me know when you have Exhibit 29A.</p> <p>22 (Exhibit 29A was marked for</p> <p>23 identification.)</p> <p>24 A I do.</p> <p>25 Q Okay. Can you open that up?</p>
<p>Page 82</p> <p>1 T-A-R file. And, oh boy, it -- it just was something</p> <p>2 that we couldn't do it.</p> <p>3 And then I finally spent so much time to just</p> <p>4 figure out how to do this T-A-R file, and I was able to</p> <p>5 finally do it. It took a little bit of time, but I did</p> <p>6 it.</p> <p>7 MR. WIENER: Ethan, I also want to note</p> <p>8 for the record that it contains personal files as well.</p> <p>9 We don't have a way of segregating them.</p> <p>10 THE WITNESS: Oh, that's another thing</p> <p>11 that we tried so hard, but Skype has no way to</p> <p>12 differentiate your personal -- I mean, your other stuff</p> <p>13 with whatever was requested. But we tried, tried, tried</p> <p>14 to kind of pull that information out, but there is no</p> <p>15 way.</p> <p>16 The T-A-R file is just one lumps file</p> <p>17 that has everything in it, including my personal</p> <p>18 information in it. It has everything that I have, but I</p> <p>19 just -- I was finally able to do it, because it was just</p> <p>20 very, very complicated. It is not for any normal person</p> <p>21 to just go into Command Prompt and do all the stuff.</p> <p>22 BY MR. PRESTON:</p> <p>23 Q Okay. What was the Command Prompt that you</p> <p>24 used?</p> <p>25 A I don't really recall. It's all -- it was all</p>	<p>Page 84</p> <p>1 A I do. I have it open.</p> <p>2 Q Okay. Do you see what it says?</p> <p>3 A "How do I export or delete?"</p> <p>4 Q Yes.</p> <p>5 A Yes, I see it.</p> <p>6 Q Do you see the "Step 1: Sign into the export</p> <p>7 page with your Microsoft account"?</p> <p>8 A Yes.</p> <p>9 Q Did you do that?</p> <p>10 A Yes.</p> <p>11 Q Okay. And then after that, you downloaded it</p> <p>12 on the export page? You downloaded a copy of your</p> <p>13 export?</p> <p>14 A That is correct. And then you have to go</p> <p>15 into --</p> <p>16 Q Okay. Sorry. What did you say?</p> <p>17 A And then you have to go into this whole</p> <p>18 Command Prompt thing that I was talking about.</p> <p>19 Q To -- well, okay. So why? What did you need</p> <p>20 to do after downloading the export?</p> <p>21 A Why don't you just click on that export page?</p> <p>22 It guides you through it.</p> <p>23 Q Well, we don't have time for me to go through</p> <p>24 it right now, because we're going to --</p> <p>25 A That's exactly the instructions. Once you</p>

1 click on the export page, it'll take you there. You log
 2 in, and then you have to use Command Prompt to extract
 3 the T-A-R file. And then after that, you got to go back
 4 in and download this viewer. And then even in the
 5 viewer, you have to then open it up with this special
 6 file that will read the extracted Command Prompt file.
 7 Q Okay. But you didn't need to use the viewer
 8 to just simply export things.
 9 A I'm sorry?
 10 Q Did you need to use the viewer to export
 11 things?
 12 A No, you click on this export. Once you click
 13 on this -- I could walk you through the whole process,
 14 because I spent so much time on this. I'm, like -- but
 15 if you click on that export page, it'll take you to a --
 16 where you download it, and then you have to go into
 17 Command Prompt, and then you go into Command Prompt to
 18 extract that file.
 19 And then you go back in, and then you download
 20 this viewer, because you cannot read the T-A-R file.
 21 It's a special file. And then you need another viewer
 22 that you got to download to view it.
 23 Q Okay. So at the end of the situation, there's
 24 a dot T-A-R file?
 25 A That is correct.

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1 issue was that the format in which we submitted was
 2 requiring this native file of T-A-R. We submitted
 3 everything when -- when it was requested, but to get to
 4 this T-A-R file, that's what we are just talking about.
 5 Q So I didn't receive anything from your Skype
 6 folder or your Skype account until today. This was
 7 requested in 2023. Can you explain why we didn't
 8 receive anything from your Skype account until today?
 9 A Everything was submitted. I have -- I'll have
 10 to -- we literally were able to submit it, but I think
 11 the problem was that the format in which it was
 12 requested was the problem. But we submitted everything
 13 from our end. Maybe Seth needs -- Seth might have to
 14 take a look and see if there was some discrepancy in him
 15 send -- forwarding it to you.
 16 Q Okay. So you, you think that Seth might not
 17 have -- he would've had it, but wasn't able to give it
 18 to me until today?
 19 A I do not know that. I'm just saying that
 20 everything from our end was submitted, everything.
 21 Q Okay. I know that some files were received
 22 today. I guess my question is, when were the files
 23 submitted?
 24 MR. WIENER: And our discovery letters
 25 had referenced that we produced the Skype files. It was

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1 Q After the -- okay. Did you produce a dot
 2 T-A-R file?
 3 A I'm sorry. I just -- we -- we just sent it.
 4 Q No. I didn't get a dot T-A-R file. I got a
 5 collection of images and JSON files, dot J-S-O-N files.
 6 A Well, that's why you need a viewer, that you
 7 cannot just -- okay. That's the problem, that you need
 8 the viewer to view the T-A-R file. You cannot just view
 9 the T-A-R file, because they're JSON files, so you have
 10 to download the viewer.
 11 Q I understand. But that's my problem. I guess
 12 my question is, can you just produce the T-A-R file?
 13 A Sure. Absolutely.
 14 Q Okay. Let's do that. Okay. So we had asked
 15 for the Skype export previously, and I guess my question
 16 is, when was the first time you attempted to export your
 17 Skype account?
 18 A When the first request was sent. I -- I don't
 19 recall when, but whenever the request came in, and we
 20 submitted everything that we could submit.
 21 Q Okay. This was first requested probably in
 22 July or August or September of 2023. And is your
 23 testimony that you were unable to complete this process
 24 until today?
 25 A No. We submitted everything, but I guess the

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1 a Word document, I believe, and it was, like, cut and
 2 paste, but I do believe you got those. I don't know if
 3 they were Bates stamped.
 4 MR. PRESTON: I actually -- yeah, I don't
 5 know that I ever got those, but in any event, I have
 6 some documents now, and you guys are going to give me
 7 the T-A-R file later on. So, you know, I don't know
 8 that we need to belabor the point.
 9 MR. WIENER: My only concern, again, is
 10 that there's emails that are Skype communications that
 11 clearly have no relevance, but we have no way of
 12 segregating them. Essentially, you got far more today
 13 than I would have ever produced, mainly just to do with
 14 technological issues.
 15 BY MR. PRESTON:
 16 Q All right, so let's go to Exhibit 28. This is
 17 a discovery letter that was submitted.
 18 (Exhibit 28 was marked for
 19 identification.)
 20 A Which one? Which number?
 21 Q Exhibit 28. And it's page 4. It is the
 22 fourth email from the bottom.
 23 A On -- on page four, there is no emails.
 24 Q Sorry. It's the fourth paragraph
 25 that's -- excuse me.

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23 (Pages 86 - 89)

1 A On page four?
 2 Q Yes, sir.
 3 A Okay. I'm there. Which -- which paragraph is
 4 it? Can you -- if you tell me what it starts with --
 5 Q It's the fourth from the bottom. It says, "In
 6 response to Plaintiff's request."
 7 A Yes. Okay, got it.
 8 Q It says, "In response to Plaintiff's request,
 9 Defendants have searched the Skype accounts of
 10 custodians relevant to this case." Who are the
 11 custodians relevant to this case?
 12 A I wouldn't know who. I mean, it's probably
 13 DMS and who was involved, because that's the only people
 14 we communicated with.
 15 Q Well, I think what -- the way I understood
 16 that sentence is that you searched the Skype accounts of
 17 the CCCF employees which were relevant to this case.
 18 And so my question is, which CCF employees were their
 19 Skype accounts were searched?
 20 A There is no -- the CCC -- no CCCF employees
 21 have Skype accounts. The Skype account was just me
 22 communicating with DMS, and you see that in the
 23 production that we have sent. We -- we've sent that,
 24 all of those -- all of those Skype accounts.
 25 Q I'm sorry, did you say you had searched all

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1 A I see it.
 2 Q Okay. What is this Excel file?
 3 A So I believe we had submitted an -- a PDF, but
 4 the request was that we needed it again in the native
 5 format with all the data that was requested. So we
 6 again went back in. I had to learn how to do this,
 7 export into this Excel format with all of the data that
 8 we had from DMS that came into our system.
 9 Q Okay. If you can scroll down, are these
 10 records of calls that were made?
 11 A I'm sorry? Records of calls?
 12 Q Right. It says "call records."
 13 A Where? Which -- which line are you seeing
 14 call records?
 15 Q So if you look at the first page, it says,
 16 "Subject: Excel copy of DMS call records."
 17 A I didn't type that.
 18 Q Then you turn -- I'm sorry?
 19 A I did not type that email.
 20 Q I understand. So my question is, are these
 21 call records?
 22 A Call records? I wouldn't particularly call
 23 them "call records." They are all our records of all
 24 the clients that CCCF has from DMS.
 25 Q Okay. So they're just a list of clients.

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1 the Skype accounts?
 2 A No, I said we've submitted all our Skype chats
 3 or whatever that was requested with DMS. Everything has
 4 been submitted.
 5 Q Okay. Exhibit 29, is a email from your
 6 counsel and it attaches four exhibits, four emails.
 7 (Exhibit 29 was marked for
 8 identification.)
 9 A Twenty-nine or Twenty-nine A?
 10 Q Twenty-nine.
 11 A Twenty-nine. Okay. I have it open.
 12 Q And it had four emails attached to that email.
 13 Do you know if any of these documents had been produced
 14 prior to July 8, 2024?
 15 A I wouldn't know specifically if these were
 16 produced, but everything was produced. And again, this
 17 might be with something where we produced it, and there
 18 was -- everything, Seth had it, and then we forwarded it
 19 to Seth.
 20 Q Okay. So I'm going to add another exhibit.
 21 It's Exhibit 30. And this is also a email from your
 22 counsel yesterday. The subject is called, "Excel copy
 23 of DMS call records."
 24 (Exhibit 30 was marked for
 25 identification.)

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1 It's not necessarily a list of call records.
 2 A I don't know what the difference would be
 3 between clients. I -- I don't know. I cannot --I don't
 4 know what the --
 5 Q Well, a client would be, you know, a name and
 6 an address, where a call record would be the date and
 7 time of the call and the numbers that were involved, the
 8 outgoing number that made the call and the incoming
 9 number, the recipient call number.
 10 A We never made any calls, so we only take the
 11 calls, so we wouldn't have that information.
 12 Q Sure. But Shiv Johar made calls?
 13 A I don't -- I -- I don't know that.
 14 Q How did he transfer calls to you if he did not
 15 make the calls?
 16 A I -- calls are only transferred by DMS.
 17 Q Well, if you asked DMS, they would tell you
 18 that it's just people using their system, and it's Shiv
 19 Johar transferring the call.
 20 A I don't -- I don't know that that's DMS's
 21 take, but I wouldn't know that.
 22 Q All right. So if you look at page 2, at the
 23 very top line, there's a number of columns, and there's
 24 identifiers to the column. The first column is "lead
 25 number." What is a "lead number"?

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24 (Pages 90 - 93)

1 A That's the number that gets assigned in our
 2 system.
 3 Q Which system?
 4 A CreditSoft.
 5 Q Okay. What is a "lead"?
 6 A A "lead"?
 7 Q Yes.
 8 A I would say a lead is any potential person
 9 that calls in to request our help for help. We have to
 10 intake them, and that's it. Automatically, when you
 11 create a entry into the system, it creates a ID number,
 12 a primary kind of identifier or something.
 13 Q Okay. Sure. The third column says, "Date
 14 export to OES." What is that?
 15 A It's just the intake system, and then it comes
 16 into CreditSoft. So that's where it actually goes in,
 17 into CreditSoft system.
 18 Q I'm not sure I understand. What is --
 19 A So I expect, during the first -- like, there's
 20 a lot of -- the whole budget analysis that we have to
 21 do, and the whole counselor that -- what -- whatever
 22 they do, they have to -- they take it, and they have to
 23 input all of that information.
 24 So that's where we have to export this client
 25 in, and then we do this whole budget analysis counseling

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1 Q So these are documents you've produced.
 2 They're organization charts.
 3 A I haven't seen that yet. One second.
 4 Q Yeah. It's Exhibit 31.
 5 (Exhibit 31 was marked for
 6 identification.)
 7 A Okay. I have it.
 8 Q So looking at page 1, is this a complete list
 9 of all CCCF'S employees?
 10 A When it was produced, yes.
 11 Q Okay. Are there other employees?
 12 A Recently, they've added a few more, very
 13 recently.
 14 Q Okay. Like, estimate how long.
 15 A How long did we add employees?
 16 Q Yeah, since they've been added.
 17 A I would say a couple months.
 18 Q Okay. So I'm going to send up another
 19 document. So we're looking at Exhibit 32. Do you
 20 recognize -- the first five entries in this exhibit are
 21 email addresses. Do you recognize any of these email
 22 addresses?
 23 (Exhibit 32 was marked for
 24 identification.)
 25 A I do not recognize the first one. I do

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1 to kind of go through their financial picture, to kind
 2 of see what their income, their expense, all of that.
 3 Q Okay. So it's exported to CreditSoft, is that
 4 right?
 5 A Correct. It's -- it's built in. It's all
 6 built in.
 7 Q What is it exported from?
 8 A It's just an -- it's just a -- it's not
 9 exported from -- it's just like an API that you -- kind
 10 of, it goes into that system. It goes into and merges
 11 it into CreditSoft, goes into CreditSoft.
 12 Q Okay. So API, what is that?
 13 A It's just the data moves from one column into
 14 another column to be able to do more detailed stuff in
 15 CreditSoft.
 16 Q Okay. So it's all within CreditSoft?
 17 A Correct.
 18 Q Okay. What is "OES"?
 19 A It's just a way of telling the API to move
 20 this client in. It's -- we just call it that. There's
 21 no name for it.
 22 Q I'm going to upload another couple of
 23 documents. So this is Document -- it's CCCF 29, 239,
 24 and 264.
 25 A I'm sorry.

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1 recognize the second one.
 2 Q Who is that?
 3 A Michael helps us with our state licensing.
 4 Q Your -- sorry. Your state licensing?
 5 A Yeah. So we are -- we have to be licensed and
 6 in -- in every state that we do business in, and
 7 requires a lot of documentation from our end. And so
 8 it's basically doing state -- every single state filing.
 9 We have to be bonded, licensed and bonded in the states
 10 that we do business in.
 11 Q Okay. So he does regulatory stuff?
 12 A Correct.
 13 Q Okay. Is he a full-time employee?
 14 A No.
 15 Q Okay. Is he an attorney?
 16 A No.
 17 Q Okay. Who is Tom H.?
 18 A Tom H. is -- he -- he helps us with our -- you
 19 know, whenever we have CreditSoft issues, he would come
 20 in on a part-time and help us with consulting on IT
 21 stuff, and I can't do it.
 22 Q Okay. So it's stuff that you can't do. Okay.
 23 The next entry, do you recognize that email address?
 24 A I do not.
 25 Q How about the next one, Nick A.?

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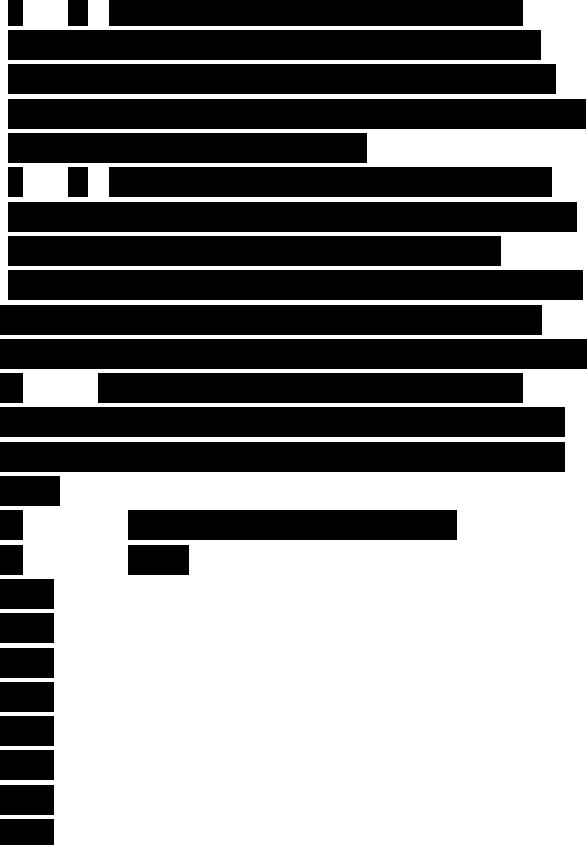
25 (Pages 94 - 97)

<p>1 A Yes, I do.</p> <p>2 Q Who is that?</p> <p>3 A We've added him recently.</p> <p>4 Q Okay. About how recently?</p> <p>5 A I wouldn't know.</p> <p>6 Q Two months?</p> <p>7 A I -- I wouldn't know. I wouldn't know.</p> <p>8 I -- I don't want to guess.</p> <p>9 Q Okay. Ashley A.?</p> <p>10 A No, no, not at all.</p> <p>11 Q So I'm going to go through the list of names</p> <p>12 next. I may mispronounce some of these, and I don't</p> <p>13 mean to offend anybody, but I'm going to do my best. Do</p> <p>14 you know who Pravesh Chopra is?</p> <p>15 A I do -- I do know. I do know him, but he's</p> <p>16 not part of CCCF.</p> <p>17 Q How do you know him?</p> <p>18 A He is partners with Ishwinder Judge in</p> <p>19 franchise restaurants.</p> <p>20 Q Okay. Kulwant Sran?</p> <p>21 A Kulwant, Aloke, and Sandeep, I know all three</p> <p>22 of them because they're on the board.</p> <p>23 Q Whose board?</p> <p>24 A CCCF's board of directors.</p> <p>25 Q Okay. Geetika Walia?</p>	<p>1 what I do.</p> <p>2 Q Sure, sure. Am I pronouncing it right,</p> <p>3 Faravahar?</p> <p>4 A Yes.</p> <p>5 Q Okay. Thank you. Are you doing any work for</p> <p>6 Faravahar? Does, does Faravahar have any other clients</p> <p>7 right now?</p> <p>8 A No.</p> <p>9 Q Is CCCF a client of Faravahar?</p> <p>10 A No, I don't -- I don't -- I -- I -- no, I</p> <p>11 don't think so.</p> <p>12 Q Well --</p> <p>13 A Actually, I take that back, because</p> <p>14 CCCF -- there are -- there is stuff that, yes,</p> <p>15 that -- that I would have to retrieve that back and make</p> <p>16 that correction, that CCCF could have -- I could have</p> <p>17 done work for CCCF other than my stuff. Yes.</p> <p>18 Q Is that contract operative today?</p> <p>19 A I believe so.</p> <p>20 Q Does Faravahar receive income under that</p> <p>21 contract?</p> <p>22 A I don't know. I'll have to look at that. I</p> <p>23 don't -- I haven't done that, so -- but it's just --</p> <p>24 I'll have to look at it.</p> <p>25 Q Okay. What is RJC?</p>
<p>Page 98</p> <p>1 A Yes, I know her as well.</p> <p>2 Q Who is she?</p> <p>3 A She used to be the past president when I was</p> <p>4 employed at National Budget Planners.</p> <p>5 Q Okay. Layne Jensen?</p> <p>6 A She used to be on the board of CC -- of</p> <p>7 National Budget Planners.</p> <p>8 Q Okay. Alka Puri?</p> <p>9 A She was also on the board of National Budget</p> <p>10 Planners when I worked for National Budget Planners.</p> <p>11 Q Sanjeev Kanwar?</p> <p>12 A He is the president for National Budget</p> <p>13 Planners.</p> <p>14 Q Okay. Faravahar, Incorporated?</p> <p>15 A That -- that is -- I -- I recognize that too.</p> <p>16 Q What is that?</p> <p>17 A It's -- it's me, my company.</p> <p>18 Q What does that company do?</p> <p>19 A Consulting.</p> <p>20 Q What kind of consulting?</p> <p>21 A I've been in the -- been doing credit</p> <p>22 counseling for 24 years. So I consult with -- with</p> <p>23 people who -- who need or want -- have questions about</p> <p>24 anything to do with debt, credit counseling. Knowing</p> <p>25 the vast experience that I've had for 24 years, that's</p>	<p>Page 100</p> <p>1 A That's the franchise restaurants.</p> <p>2 Q Okay. All right. It's the last one. So</p> <p>3 these are documents that were produced to us in response</p> <p>4 to, I think it's RPD 8.</p> <p>5 A Sorry. What am I -- what -- which document</p> <p>6 did you want me to look?</p> <p>7 Q So I've just uploaded it. It's Exhibit 33.</p> <p>8 It's documents that were produced to us in response to</p> <p>9 RPD 8. It's essentially payroll records for Larissa</p> <p>10 Brodsky.</p> <p>11 (Exhibit 33 was marked for</p> <p>12 identification.)</p> <p>13 A I have it open.</p> <p>14 Q Okay. So I'm going to tell you that this sort</p> <p>15 of only covers a period in 2022. It only goes through</p> <p>16 July 2022. When was Ms. Brodsky hired?</p> <p>17 A I wouldn't know off the top of my head.</p> <p>18 MR. WIENER: I'm going to object to the</p> <p>19 testimony, unless you want to agree that this remains</p> <p>20 confidential.</p> <p>21 MR. PRESTON: Oh, yeah. No. This can be</p> <p>22 confidential.</p> <p>23 MR. WIENER: All right.</p> <p>24 (Nonconfidential portion of transcript</p> <p>25 ends.)</p>

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26 (Pages 98 - 101)

	
Page 106	Page 108 <p>1 (Nonconfidential portion of transcript 2 begins.) 3 MR. PRESTON: Okay. I don't have any 4 more questions. Do you plan to redirect, Seth? Sorry, 5 Mr. Wiener? 6 MR. WIENER: I'd like to do a very brief 7 redirect. 8 MR. PRESTON: Okay. 9 MR. WIENER: All right. 10 EXAMINATION 11 BY MR. WIENER: 12 Q Mr. Engineer, have you made a good faith 13 effort to locate all responsive documents when 14 requested? 15 A Yes. 16 Q Have you intentionally withheld any documents 17 from your production? 18 A No, never. 19 Q And have you supplemented your production as 20 possible when you located additional responsive 21 documents? 22 A Absolutely. 23 Q Alright. And has the production of documents 24 imposed a substantial financial burden on CCCF? 25 A I mean, it has been a arduous task. I mean,</p>

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28 (Pages 106 - 109)

1 we are a very small nonprofit organization, and -- and
 2 we do some great work in our community. We help so many
 3 clients across the nation with what our services is,
 4 what we do.

5 You know, it just has been very, very hard for
 6 us, with the limited resources we have, to -- to do all
 7 the stuff that, you know, has been requested. We've
 8 done our best to do whatever we can from our end to
 9 produce them.

10 Q All right. And there was a issue raised about
 11 audio recordings not being retained. Why were audio
 12 recordings not retained?

13 A Well, that's again to do with our, you know,
 14 being a nonprofit credit counseling organization. You
 15 know, we have limited capacities on how much we can do.
 16 So we -- the purposes for -- of the recordings are
 17 literally just to help our counselors get better. And
 18 so those recordings get overwritten after 60 days.
 19 We would have to buy enormous amount and
 20 spend, like, enormous amount of money in terms of
 21 storage to keep every single 180-minute counseling
 22 session on record. I mean, that would just take a whole
 23 data center or something, and we don't have the
 24 resources to do any of that. I mean, that's the sole
 25 reason why we have these policies, to help us.

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1 MR. WIENER: Yeah, I don't think I need
 2 the exhibits. That was already produced. but --
 3 THE OFFICER: Okay. That'll work. I
 4 won't attach it. Okay. Thank you. So that's it for me
 5 as well, and we are off the record at 3:13 p.m.

6 (Signature reserved.)
 7 (Whereupon, at 3:13 p.m., the proceeding
 8 was concluded.)
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1 Q All right. And we produced an Excel
 2 spreadsheet yesterday of DMS leads. Do you recall that?

3 A Yes.

4 Q What was the source of those leads?

5 A They were all from our CreditSoft CRM
 6 database.

7 Q All right. And does that include all the
 8 fields of information on the CreditSoft management
 9 software database?

10 A Yes.

11 Q All right. And does that list represent all
 12 the leads that were sent to you by DMS?

13 A Yes.

14 Q Does it include live transfers?

15 A It includes everything we got from DMS.
 16 MR. WIENER: All right. Thank you.

17 Nothing further.

18 THE WITNESS: Okay.

19 THE OFFICER: Okay. I don't have any
 20 spellings or anything. I don't believe so. I just want
 21 to see if, Mr. Wiener, did you want to order the
 22 transcript?

23 MR. PRESTON: Yes, I would.

24 THE OFFICER: Okay. And then the read
 25 and sign will go to you as well?

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1 CERTIFICATE OF DEPOSITION OFFICER
 2 I, FERNANDO PADILLA, the officer before whom
 3 the foregoing proceedings were taken, do hereby certify
 4 that any witness(es) in the foregoing proceedings, prior
 5 to testifying, were duly sworn; that the proceedings
 6 were recorded by me and thereafter reduced to
 7 typewriting by a qualified transcriptionist; that said
 8 digital audio recording of said proceedings are a true
 9 and accurate record to the best of my knowledge, skills,
 10 and ability; that I am neither counsel for, related to,
 11 nor employed by any of the parties to the action in
 12 which this was taken; and, further, that I am not a
 13 relative or employee of any counsel or attorney employed
 14 by the parties hereto, nor financially or otherwise
 15 interested in the c

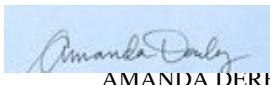


FERNANDO PADILLA
 Notary Public in and for the
 State of California

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29 (Pages 110 - 113)

<p>1 CERTIFICATE OF TRANSCRIBER</p> <p>2 I, AMANDA DERBY, do hereby certify that this</p> <p>3 transcript was prepared from the digital audio recording</p> <p>4 of the foregoing proceeding, that said transcript is a</p> <p>5 true and accurate record of the proceedings to the best</p> <p>6 of my knowledge, skills, and ability; that I am neither</p> <p>7 counsel for, related to, nor employed by any of the</p> <p>8 parties to the action in which this was taken; and,</p> <p>9 further, that I am not a relative or employee of any</p> <p>10 counsel or attorney employed by the parties hereto, nor</p> <p>11 financially or otherwise interested in the outcome of</p> <p>12 this action.</p> <p>13</p> <p>14</p> <p>15  AMANDA DERBY</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 Pinn, Kelly, Et Al. v. Consumer Credit Consulting, Et Al.</p> <p>2 Porus Engineer 6788338</p> <p>3 ACKNOWLEDGEMENT OF DEPONENT</p> <p>4 I, Porus Engineer, do hereby declare that I</p> <p>5 have read the foregoing transcript, I have made any</p> <p>6 corrections, additions, or changes I deemed necessary as</p> <p>7 noted above to be appended hereto, and that the same is</p> <p>8 a true, correct and complete transcript of the testimony</p> <p>9 given by me.</p> <p>10</p> <p>11 _____</p> <p>12 Porus Engineer Date</p> <p>13 *If notary is required</p> <p>14 SUBSCRIBED AND SWORN TO BEFORE ME THIS</p> <p>15 ____ DAY OF _____, 20____.</p> <p>16</p> <p>17</p> <p>18 _____</p> <p>19 NOTARY PUBLIC</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 114	Page 116
<p>1 Pinn, Kelly, Et Al. v. Consumer Credit Consulting, Et Al.</p> <p>2 Porus Engineer Job No. 6788338</p> <p>3 E R R A T A S H E E T</p> <p>4 PAGE ____ LINE ____ CHANGE _____</p> <p>5 _____</p> <p>6 REASON _____</p> <p>7 PAGE ____ LINE ____ CHANGE _____</p> <p>8 _____</p> <p>9 REASON _____</p> <p>10 PAGE ____ LINE ____ CHANGE _____</p> <p>11 _____</p> <p>12 REASON _____</p> <p>13 PAGE ____ LINE ____ CHANGE _____</p> <p>14 _____</p> <p>15 REASON _____</p> <p>16 PAGE ____ LINE ____ CHANGE _____</p> <p>17 _____</p> <p>18 REASON _____</p> <p>19 PAGE ____ LINE ____ CHANGE _____</p> <p>20 _____</p> <p>21 REASON _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 Porus Engineer Date</p> <p>25</p>	<p>1 seth@sethwienerlaw.com</p> <p>2 July 28, 2024</p> <p>3 Pinn, Kelly, Et Al. v. Consumer Credit Consulting, Et Al.</p> <p>4 DEPOSITION OF: Porus Engineer 6788338</p> <p>5 The above-referenced witness transcript is</p> <p>6 available for read and sign.</p> <p>7 Within the applicable timeframe, the witness</p> <p>8 should read the testimony to verify its accuracy. If</p> <p>9 there are any changes, the witness should note those</p> <p>10 on the attached Errata Sheet.</p> <p>11 The witness should sign and notarize the</p> <p>12 attached Errata pages and return to Veritext at</p> <p>13 errata-tx@veritext.com.</p> <p>14 According to applicable rules or agreements, if</p> <p>15 the witness fails to do so within the time allotted,</p> <p>16 a certified copy of the transcript may be used as if</p> <p>17 signed.</p> <p>18 Yours,</p> <p>19 Veritext Legal Solutions</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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30 (Pages 114 - 117)